3rd 61 Stairwell

824.08
Ox2
[v.4]

DOMINICAN COLLEGE
LIBRARY
SAN RAFAEL

AS122 .093 1855
vol.4
Oxford essays

DOMINICAN COLLEGE
LIBRARY
SAN RAFAEL

J Mitchins

Oxford Essays,

contributed by

Members of the University.

1858.

DOMINICAN COLLEGE LIBRARY SAN RAFAEL

London:

John W. Parker and Son,

West Strand.

824.08
Ox2
v.1 4

DOMINICAN COLLEGE
LIBRARY
SAN RAFAEL

25908

LONDON:
SAVILL AND EDWARDS, PRINTERS,
CHANDOS STREET.

CONTENTS.

Essay		Page
I.	*The Poetry of Pope.* By John Conington, M.A., Professor of Latin Literature	1
II.	*The Theories of Parliamentary Reform.* By Lord Robert Gascoigne Cecil, M.P., M.A., late Fellow of All Souls	52
III.	*The Ancient Stoics.* By Sir Alexander Grant, Bart., Fellow of Oriel College	80
IV.	*Hymns and Hymn-Writers.* By Charles Buchanan Pearson, M.A., Oriel College	124
V.	*The Norsemen in Iceland.* By George Webb Dasent, D.C.L., Magdalen Hall	165
VI.	*Influence of the Canon Law.* By John George Phillimore, Q.C., M.A., late Student of Christ Church	215
VII.	*Oxford University Reform.* By Goldwin Smith, M.A., Regius Professor of Modern History . .	265

OXFORD ESSAYS.

THE POETRY OF POPE.

IT is not my intention to attempt an investigation of any of the incidents in the life of Pope. Any one who is acquainted with the discussions to which that biography has given rise, and has observed the proportions which they have lately assumed, as conducted in the book or the pamphlet, in the weekly newspaper or the bookseller's catalogue, will see that an independent judgment on their various details could scarcely be pronounced without a special study, not of months, but of years. Who were Pope's parents? Who was the Unfortunate Lady that he celebrates? Was he justified in his breach with Addison? What was his real share in the translation of the *Odyssey?* What was his relation to the Misses Blount? What is the history of the publication of his *Letters*, and how far did he tamper with them in preparing them for the press? Was the *Dunciad* provoked or unprovoked? What was his quarrel with Lady Mary Wortley Montagu, and how far did he go in avenging himself? Did he mean to satirize the Duke of Chandos? Can he be acquitted of disingenuousness in his correspondence with Aaron Hill? Was he bribed by the Duchess of Marlborough to suppress what he afterwards printed? How far was he to blame in the posthumous quarrel fastened on him by Bolingbroke? Such are some of the questions, of greater or less importance, which are sure to be raised by the casual reader, and not sure to be answered by the best-informed writer. Other literary men have been the subjects of equal or greater mystery as regards some single event or transaction in their lives. The cloud which rests on the birth of Savage is apparently still undispersed. If we now know Chatterton to have been his own Rowley, and

Ireland his own Shakspeare, we are perhaps hardly in a condition to speak definitely of Macpherson as his own Ossian. But there is probably no English author whose life can be compared with Pope's, as a succession of petty secrets and third-rate problems. The fact itself is significant, and can scarcely fail to bias the opinions even of one who expressly absolves himself from forming a judgment on the particular points at issue. A man whose actions were generally blameless would not have left so many things for his apologist to explain. A man whose character was truthful and simple would not have been the hero of so many enigmatical narratives. I mention this in order to excuse myself, if, in making remarks on the poet, I occasionally imply a judgment on the man. My object is to produce a critical estimate of Pope's several poems in themselves, with some prefatory remarks on his poetry generally, in one of its relations to English literature; but the writings must necessarily bear some impress of the writer, and it is hardly possible to take a survey of the one which shall not reflect more or less definitely on the other.

That Pope is the most correct of English poets is a notion which of late years various eminent critics have been at considerable pains to explode. The opinion is one which has the advantage of prescription, having apparently been a received doctrine for many years after the poet's death. Yet, if a question can be decided by the authority of great names, it would seem necessary at once to abandon such a position. Hazlitt, in his *Lectures on the English Poets*,* mentions particular instances of incorrectness which are to be found in Pope; and an article in the *North British Review* for August, 1848, attributed to Mr. de Quincey, analyses one or two passages in the poems at considerable length, with a view to prove that the belief, in which it is admitted that the poet himself shared, is a gross popular error. Lord Macaulay, in his *Essay on Byron*, is equally strenuous on the same side, though the ground which he takes up is somewhat different. According to him, what Pope and the post-Restoration poets aimed at and realized was not real correctness, which, with him, is synonymous with excellence and truthfulness to nature, but the pseudo-correctness of conformity to an utterly artificial and illusory standard. It appears to me, however, that the old view was substantially a just one, that there is a legitimate and intelligible sense in which Pope may be said to

* Page 148 (first edition). The whole lecture contains much discriminating criticism, frequently expressed in very felicitous language.

have especially earned the praise of correctness, and that this praise discriminates him, not only from his predecessors, but also to some extent from subsequent poets. The ideal which he laboured to attain was a reasonable one, and his efforts were sufficiently, though not wholly, successful. The question will, perhaps, be found to be partly a question of words; but the right understanding of it is, I think, important, if we wish really to appreciate the position which Pope occupies as a poet.

It is worthy of remark that, as the North British Reviewer admits, correctness is a thing on which Pope is known to have especially valued himself. He had scarcely commenced authorship when it was placed before him by one of his earliest critical friends as the principal object after which he was bound to strive. 'Walsh,' he told Spence, 'used to encourage me much, and used to tell me that there was one way left of excelling; for, though we had several great poets, we never had any one great poet who was correct; and desired me to make that my study and aim.'* It is easy to smile at this criticism, and to ask what is the worth of a canon which thus summarily condemns Shakspeare, Spenser, and Milton as alike deficient in the particular requirement sought. These writers, it is now generally acknowledged, far transcend Pope in grandeur and comprehensiveness of conception; they have achieved triumphs of expression to which he was unequal, and struck chords of melody of which he never dreamed. Yet it is possible that he may have been conscious of something in himself which they had not, and possible, too, that this special acquirement may have been a thing of real and enduring value. That he and his contemporaries should have overrated it is only too likely; that they should have been altogether wrong in their estimate of its nature and importance is far from probable.

Perhaps there is no better help towards a true apprehension of the English poetry of the eighteenth century than a knowledge of the poetry of Augustan Rome. The similarity of the two periods, as phases of national literature, has often been pointed out: it would be easy, if this were the place, to pursue the parallel into detail. Now, it is curious that what Walsh said to Pope is precisely the same as what Horace said to his countrymen. He tells them, almost in so many words, that, though they had had several great poets, they had never had any one great poet who was correct. Speaking of Roman genius, in its application to tragedy, he says:—

* Spence's *Anecdotes*, Malone's edition, p. 52.

> Tentavit quoque rem si digne vertere posset,
> Et placuit sibi, natura sublimis et acer:
> Nam spirat tragicum satis, et feliciter audet,
> Sed turpem putat inscite metuitque lituram.*

In another passage he extends the censure to Roman poetry in general:—

> Nec virtute foret clarisve potentius armis
> Quam lingua Latium, si non offenderet unum
> Quemque poetarum limæ labor et mora. Vos O
> Pompilius sanguis, carmen reprehendite, quod non
> Multa dies et multa litura coercuit, atque
> Perfectum decies non castigavit ad unguem.†

What it was that Horace quarrelled with in the poetry of his predecessors may be seen more at length in those passages of his satires where he speaks of Lucilius.‡ It was, in short, that they did not spend sufficient pains upon their poetry; that they did not make it as good as they might have done. Their treatment of a subject was not sufficiently varied; their language was not sufficiently elegant; their versification was not sufficiently polished. This may at first sight seem to be a charge not against the individual poets, but against the age in which they lived. Ennius and Lucilius may have been as laborious as Horace; Shakspeare and Spenser may have polished as assiduously as Pope; and any superiority in finish that may be conceded to the later poet may be simply owing to his having had the advantage of living after the earlier. But it will commonly be found that the necessity of careful elaboration, though implicitly recognised more or less by every one who practises composition as an art, is not strongly felt in the earlier periods of literature. In such times a man of genius speaks at once, out of the fulness of his own ebullient heart, or in the fervour of his admiration of the great writers of another age and country: he is eager to communicate what he has felt and read, rather than solicitous about the manner in which the communication should be made. So, if I may borrow an humbler illustration from the childhood of the individual, it is hard to teach a boy to labour at his composition beyond a certain point; he may feel that his verses are inferior to a classical model, but it is utterly incomprehensible to him how by any expenditure of time he should be able to make them better. As a matter of fact, we find Horace distinctly asserting that Lucilius thought more of quantity than

---

* 2 *Epist.* i. 164 foll. † *De Arte Poetica*, vv. 289 foll.
‡ *Satires* 4 and 10 of book i.

of quality; the old bard, he tells us, considered it a great feat to pour out two hundred verses in an hour *stans pede in uno;* at the same time that he bore witness against himself by laughing at the verses of Attius and Ennius as less correct than his own. Even if we had no express testimony on the subject, what we know of the pre-Augustan poets would certainly lead us to think that they were inferior to their successors in the labour which they bestowed upon their pieces. Let us hear how Mr. de Quincey, in one of his acknowledged writings, decides the question as between Horace and Lucretius:*

> The *curiosa felicitas* of Horace in his lyric compositions, the elaborate delicacy of workmanship in his thoughts and in his style, argue a scale of labour that, as against any equal number of lines in Lucretius, would measure itself by months against days. There are single odes in Horace that must have cost him a six-weeks' seclusion. . . . . Let the proportions of power between Horace and Lucretius be what they may, the proportions of labour are absolutely incommensurable; in Horace the labour was *directly* as the power, in Lucretius *inversely* as the power.

If we compare Virgil with his hexametrical predecessors, the result is the same. Take any paragraph in Lucretius, or in the *Peleus and Thetis* of Catullus; there may, perhaps, be some conceptions there which Virgil's less vigorous genius could not have entertained, some daring felicities of language which his more timid judgment would have rejected; but what remains will be seen to be characterized by a carelessness and want of art, both in style and versification, to which they yielded, but over which he triumphed. We can imagine, that if by any chance the first draft of any part of Virgil's poems had been preserved, we should find traces of prosaic redundancy in expression and monotonous uniformity in metre which would remind us forcibly of Lucretius. On the other hand, it is difficult to conceive that the *De Rerum Natura*, as we now have it, could have been produced by a man who even in his own time realized the ideal which Horace has so well described,† sitting down to write in the spirit of a candid censor, removing undignified words from their place in the language of poetry, retrenching luxuriant redundancies, softening harshnesses, and exhibiting the plastic flexibility of a well-trained performer of several parts. This was the service which the great writers of the Augustan age rendered to the poetry of their country. If we cannot give them the praise

---

* *Sketches, Critical and Biographic*, pp. 271, 273.

† 2 *Epist.* ii. 109 foll.

which, in a different application, was bestowed on their master, and say that where they found brick they left marble, we may say that where they found a rough-hewn and rudely-carved block they left a finished statue. They may have done injustice to their materials by cutting away more than was needed; but they were the first workmen who showed their countrymen that they knew the more delicate uses of the chisel.

Such a metaphor would, of course, convey a very exaggerated notion of what was done for English poetry by Pope. The difference between him and his predecessors would be more nearly represented by one of Dr. Johnson's tropes,* which contrasts a genius cutting a colossus from a rock with an artist carving heads on cherry-stones. The excellences of the school of English poetry which came in with the Restoration appear to sink into absolute insignificance compared with that utterly incommensurable with anything known or surmised to have existed in republican Rome, which gave form and spirit to the poetry of the preceding century. Yet what has been said of the Augustan poets is substantially true of those whom I have fixed on as their English representatives, and of Pope in particular. Even Shakspeare, if we analyse him calmly, cannot be said to have the characteristics of a finished writer. It is true that his obedience to the eternal laws of truth and beauty was infinitely more comprehensive in its range, infinitely higher in its quality, than Pope's. But it is no less true that there are rules of style and versification, not arbitrary, but grounded on those very laws, which Shakspeare neglected and Pope observed. We know, in fact, that Shakspeare's habits of composition were unfavourable to the attainment of that faultless propriety which is the reward of long-continued labour. Pope, as was to be expected, has noted this in his imitation of one of those passages from Horace which I quoted in the last paragraph :†

> Otway failed to polish or refine,
> And fluent Shakspeare scarce effaced a line:
> E'en copious Dryden wanted, or forgot,
> That last and greatest art, the art to blot.

What is to be said of such expressions as '*reverbs* no hollowness,' '*exsufflicate* and blowed surmises,' where a word is formed, in contempt of analogy, more gross than when Lucretius talks of *differitas* for *differentia*, *pestilitas* for *pestilentia?* If we turn to the passages where Shakspeare and Pope may

---

* Boswell, vol. viii. p. 306 (Croker's ed. 1835).

† Book ii. ep. i. vv. 278 foll.

properly be brought into comparison, the rhyming couplets in the plays, the minor poems, and the sonnets, can it be maintained that there is no weakness, no redundance, such as might have been avoided by an exacting self-criticism? The last stanza of the *Rape of Lucrece* will give an instance of what I mean :—

> When they had sworn to this advised doom,
> They did conclude to bear dead Lucrece thence,
> To show her bleeding body thorough Rome,
> And so to publish Tarquin's foul offence:
> Which being done with speedy diligence,
> The Romans plausibly did give consent
> To Tarquin's everlasting banishment.

This is, of course, no fair specimen of the beauties of the poem; but even were it more exceptional than it is, it would still illustrate the proposition that its author is frequently unequal to himself. There is something not ineffective in the monotony of the lines and the simplicity of the expression; but it can hardly be doubted that the one might have been varied and the other rendered less prosaic, without striking a note out of harmony with the natural conclusion of a story so melancholy. '*Did* conclude,' '*did* give consent,' were too common in Shakspeare's time to offend a critical reader; but Pope surely did good service in expelling them, by precept and ridicule,* from the ordinary language of poetry. 'Which being done with speedy diligence,' may remind us of the prosaic style—half oratorical, half conversational—in which Lucretius is apt to pass from sentence to sentence. Altogether, the passage does not seem to conform to Coleridge's definition of poetry, which is at bottom much the same as the demand for correctness, 'the *best* words in their right places.' The language and metre of Spenser will still less bear to be examined strictly according to such rules as a modern critic is accustomed to recognise. There are, I need not say, innumerable instances of felicitous diction and musical versification; but our feeling for both is apt to be overpowered by the general sense of

---

* 'Another nicety is in relation to expletives, whether words or syllables, which are made use of purely to supply a vacancy. *Do*, before verbs plural, is absolutely such, and it is not improbable that future refiners may explode *did* and *does* in the same manner, which are almost always used for the sake of rhyme.' (Pope to Walsh—Bowles, vol. vii. p. 75.) So the well-known 'Expletives their feeble aid do join,' of the *Essay on Criticism*. The ridicule of expletives, like that of the lines of ten monosyllables, is taken from a passage in Dryden's *Essay on Dramatic Poesy*, as Malone remarks; the expletives, however, which Dryden singles out for censure are 'for to,' and 'unto.'

redundance on the one hand, and of long-drawn uniformity on the other. It is doubtless this sense that even in our day, when the appreciation of the elder poetry has so greatly revived, prevents his writings from enjoying anything that can fairly be called popularity. Of Milton it is far more difficult to speak. His blank verse unquestionably shows marks of an art more exquisite, though less obvious, than that which Pope employed in the elaboration of the rhyming heroic. So far, however, the two cannot be said to be on common ground. It was one of the characteristics of the poetry which came in with the Restoration—a characteristic doubtless attributable to the French affinities of the school—that it discouraged the cultivation of blank verse. Rhyming tragedies, indeed, did not long remain the fashion; but those which succeeded them cannot be classed among the most successful poems of their time. Dryden might express his regret that he had chosen rhyme for his translation of Virgil,* and Pope might select blank verse for an epic which never was written; but such afterthoughts cannot be accepted in contradiction of the testimony of a whole poetical life. Of the blank-verse poems which that school produced, only two—Thomson's *Seasons*, and Young's *Night Thoughts*—are much known to readers of the present day; and no one will pretend that, as blank verse, they have any points of superiority to the great Miltonic master-works. On the other hand, in rhyme Milton can hardly be said to have put forth his strength, though what he has done—if we except his more juvenile pieces—certainly shows felicity of execution, as well as force of imagination. On the whole, however, Milton lived too much in an atmosphere of his own, too little in sympathy with the generation in which his greatest works were produced, to impart to English poetry that correctness of which it was beginning to find its need. He might have led it by a steeper and more rugged way to a higher point of exaltation; but other guides were preferred, and it was not till they had had their day that his influence came to be really felt. These writers were, as might be expected, themselves encumbered more or less, especially at first, with the faults of carelessness and roughness, against which it is their praise to have protested. As compared with Pope, Dryden is certainly an incorrect poet. He is full of inequalities—at one time polished and vigorous, at another flat and slovenly. Yet his felicities are of a kind which can hardly have been attained without

* The story rests on the authority of the elder Richardson, who heard it from the person to whom Dryden made this confession, 'a north-country gentleman,' supposed to be Sir Wilfred Lawson.—See Scott's *Life of Dryden*, p. 351, ed. 1834.

some use of the file, some conscious imitation of classical models. As a prose writer, he may perhaps be called the father of English criticism; and it is not likely that his practice should have been uninfluenced by his precepts. In his *Defence of the Essay on Dramatic Poesy*, he says of himself,

> As for the more material faults of writing which are properly mine, though I see many of them, I want leisure to amend them. It is enough for those who make one poem the business of their lives to leave that correct; yet, excepting Virgil, I never met with any which was so in any language.

It is of this spirit of criticism that Pope's poetry is the triumphant embodiment. He appears to have been the first English writer possessed of high poetical power (Milton I have already intimated that I should wish to except) who addressed himself to the composition of poetry with the full determination to do his best. He occasionally published poems which he afterwards found himself able to improve; that, so far from proving that he acquiesced in imperfection, is really an evidence to the contrary; but we may be sure that he never published his first draft.* Even in his most finished pieces there may be occasionally something that more study might have mended—an ill-turned thought, an inaccurate expression, a bad rhyme. So much may be readily conceded to those who, like Hazlitt and Mr. de Quincey, think the praise of his correctness exaggerated. But are there no blemishes of a similar kind in writers who are commonly allowed in these respects to come little short of perfection—in Virgil or Horace, for example? The point is not that Pope was universally correct, but that correctness, in the sense in which I have attempted to explain it, was at any rate one of his leading characteristics, and that the instances of carelessness which can be quoted from his works are not sufficiently numerous or important to disturb the general impression. Nor do I think it can be maintained that such a praise is slight or nugatory. It is the praise which is given to a schoolboy for a good exercise; but it goes along also with that schooling to which a wise man will be willing to submit all his life. If we ignore it, we must ignore nearly the whole of what criticism has done for literary

---

* 'The only poems which can be supposed to have been written with such regard to the times as might hasten their publication, were the two satires of 'Thirty-eight,' of which Dodsley told me that they were brought to him by the author that they might be fairly copied. 'Almost every line,' he said, 'was then written twice over. I gave him a clean transcript, which he sent some time afterwards to me for the press, with almost every line written twice over a second time.' '—Johnson, *Lives of the Poets* (Cunningham's edition), vol. iii. p. 114.

composition from the days of Horace downwards. It must, perhaps, be admitted that this zeal for correctness operates on the higher functions of the poet rather negatively than positively, rather by restraining him from an untrue or exaggerated conception than by suggesting others of greater reality or beauty. Such is doubtless the tendency of all endeavours to act by rule, though there may seem no sufficient reason why the fear of failure should not act as a stimulus to the attainment of success. But if the patient pursuit of excellence is not uniformly rewarded in the wider circles of poetical activity, it meets with its recompense in the narrower. In avoiding minor faults, the poet is led on to perceive and appropriate minor beauties. There, at all events, the result of an exacting self-criticism is not barrenness, but increased fertility. The mind rejects many thoughts, but only that it may produce others of a higher and rarer quality. The conception may be inadequate, but it is adequately represented; and as it has to be represented by the aid of subordinate and ancillary conceptions, there is still room for the presence of that seeing and shaping power, without which poetry can scarcely be said to exist. It is quite possible that a poet of this class, in refining his country's language and versification, may cast away much that is at least of equal value with what he preserves, simply because he has not the insight to perceive its latent capabilities. He may close his eyes to the complex graces of Shakspearian diction, and regard the varieties of Miltonic rhythm as things forbidden. Even then, however, it may be doubted whether he does not gain far more than he loses by these self-imposed restraints. To expect that the taste of such a man will be infallible, teaching him always, or even generally, what to take and what to leave, would be to expect more than is authorized by our knowledge of human nature. It is enough that he acquires himself, and leads others to acquire, the habit of judging according to fixed rules—that he puts an end to an anarchy which, though harmless while the national mind is in a state of comparative unconsciousness, becomes pernicious as soon as it is felt and recognised. Such, at any rate, is one of the stages through which it would seem that the poetical literature of a nation must ordinarily pass. It may be only the prelude to a final decay of creative power; but even then it is entitled to the respectful consideration of the critic or the literary historian, not only as a legitimate development of previous conditions of the national mind, but for the sake of its own intrinsic worth.

If this view of Pope's position be the true one, it need not surprise us that no subsequent writer should be found to dis-

pute with him the boasted pre-eminence in correctness. That a period like that which his poetry symbolizes should be short-lived is only what experience would lead us to expect. The Athenian drama, as a work not of genius but of self-conscious art, attained its culminating point in Sophocles, and its subsequent development, though full of significance and promise in relation to dramatic literature generally, was in itself undoubtedly a corruption. Virgil and Horace are the sole representatives of that perfection of poetic style which is commonly associated with the Augustan age; in Ovid the declension has already begun; melodious versification has passed into unvarying smoothness, and polish of language into epigram and antithesis. The writers who succeeded Pope attempted to pursue the same course of refinement, but they had not the same true instinct to guide them, and the material which they strove to elaborate gave way under their hands. They either repeated the more obvious features of his language and his rhythm, or, in endeavouring to improve upon them, ran into that excess which it was the very object of his chastened taste to restrain. A spirit of reaction became apparent: Churchill endeavoured to return to the negligent vigour of Dryden; Cowper, Churchill's schoolfellow and admirer, went further, not only making the heroic couplet less mellifluous, but reviving the fashion of blank-verse writing, which he learned to use as it had not been used by Thomson or Young; till at last the springs of new life in taste and opinion which arose in the great political convulsion of those days burst up to the surface, and the literary traditions of a century and a half were submerged or swept away. Since then it may be almost said that correctness such as Pope's is to be numbered among the lost arts; the leaders of the revolution, like Coleridge, Wordsworth, and Keats, disdained it as the badge of an unimaginative and artificial school: the Conservatives, like Rogers and Campbell, were scarcely strong enough to realize in practice what they upheld in theory; while Byron, who, as Lord Macaulay happily remarks, belonged to both parties, not by turns but simultaneously, bears probably more marks of slovenliness and haste than any great poet of the time. But the importance of form in poetry is not a doctrine which can long be lost sight of while any feeling for art survives; and though the circumstantial differences between Mr. Tennyson and Pope are too many and too great to justify any parallel of the one with the other, we may rejoice in the possession of a writer whose self-criticism is as exacting as Pope's own, and who has taught us once more that high poetry will not lightly tolerate a trivial phrase or a tuneless line.

I now proceed to notice Pope's several poems, classifying them, as nearly as may be, according to the order in which they appeared.

I. *The Pastorals.*

It seems at one time to have been considered a natural thing that a young poet should make his *début* by writing pastorals. This notion was supposed to find its justification in the example of Virgil, who represents himself as a shepherd warned by Phœbus to abstain from heroic song and be content with meditating the woodland muse while feeding his flocks. Virgil, however, if not a shepherd, was certainly a countryman during the early part of his life; and though his rural pictures are mere fancy pieces, where the scenes portrayed, so far as they are pastoral at all, are as much Sicilian as Italian, no very violent allegory was involved in this mode of describing the condition from which he was raised by his patron's favour. But the fiction was taken up by men whose circumstances had as little in common with Virgil's as Virgil's had with those of the shepherds whom he professed to personate. Spenser introduces his 'little booke' to Sir Philip Sidney as the offspring of 'a shepheard's swaine, all as his straying flocke he fedde;' and the commendatory epistle addressed to Gabriel Harvey says that therein he followed 'the example of the best and most ancient poets, which devised this kinde of writing, being so base for the matter and homely for the maner, at the first to trie their habilities.' And Philips, Pope's rival, in expressing his wonder that, 'in an age so addicted to the Muses, pastoral poetry comes to be never so much as thought of,' reminds his contemporaries that 'Virgil and Spenser made use of it as a prelude to epic poetry.' Johnson has perhaps gone nearer to the truth when he suggests* that the utter unlikeness of the pastoral Arcadia to anything in real life would naturally recommend it as an easy subject of composition to those who had had no experience of real life themselves. Pope, however, in his after years, was pleased to think† that he had done just what Virgil says of himself—trying his boyish hand on an epic, and then turning to pastoral poetry as his first serious work.

It is not surprising that Pope's *Pastorals* should have been received at the time of their appearing with almost unbounded favour. His friendly correspondent Walsh,‡ in language

---

* *Lives of the Poets*, Cunningham's edition, vol. iii. p. 116. Compare vol. ii. p. 297.

† Spence's *Anecdotes*, Malone's edition, p. 49.

‡ Walsh to Wycherley, in Bowles' *Pope*, vol. vii. p. 60. It used to

which, to persons acquainted with the life of the Roman poet, will seem either an unmeaning truism or a blunder, observed that it was no flattery at all to say that Virgil had written nothing so good at his age: the critic might have said, with as little fear of being thought a flatterer, that no English poet, old or young, had produced anything bearing such proofs of finish in its language and its versification. Further than that commendation cannot fairly go; but it may well seem wonderful that such powers should have been exhibited by a boy of sixteen. Yet it would be a great mistake to suppose that Pope's *Pastorals* are worthy of being mentioned in the same day with any genuine work of Virgil's. A comparison of any one of the English pastorals with any one of the *Eclogues* would soon show where the difference lies. It is not merely that Pope appears throughout as the imitator of Virgil, the copyist of one who is himself a copyist; the disparity is shown not in the greater or less degree of imitation, but in the manner of imitating. Virgil transcribes Theocritus with a fidelity which makes him sometimes appear confused and unskilful; but all the while there are under-currents of thought and feeling which are peculiarly his own. The image which he uses may be trite, but you can trace in it some subtle relation, if not to the subject treated of, at least to the poet's mind. So there is an artificial delicacy of texture about his language which defies analysis. In Pope, on the contrary, the results are obvious—they can be understood and appreciated at once. We are astonished at the skill which has enabled him to command and produce them; but they do not themselves astonish us, though they give us sufficient pleasure. He has not indeed exhausted the subject of his own versification in his letter to Walsh (the sixth and last of the series); but he tells us, at any rate, part of the secret of his success, and we feel the difference between a secret and a mystery. Nor did he approach nearer to Virgil when six years later he appeared as the poet of the Messiah. He had the language of Jewish prophecy at his disposal, and he has translated it into classical equivalents, which are marshalled into sonorous lines. But he has missed the art which underlies the *Pollio*—

---

be supposed that Walsh was the author of the *Life of Virgil* and the preface to the *Pastorals* prefixed to Dryden's translation. Malone, however (*Life of Dryden*, vol. i. of *Prose Works*, p. 232) on the authority of Dryden's letters to Tonson, attributes them to Dr. Knightley Chetwood, afterwards Dean of Gloucester. Walsh's pastoral eclogue on Mrs. Tempest (for which see Tonson's *Miscellany*, vol. v.) supplied something more than the general thought to Pope's fourth pastoral.

the art which makes the regenerating change in the order of nature proceed step by step with the progress of the child from infancy to maturity, each event being at once a stage in the gradual emancipation of the universe, and a tribute specially appropriate to the young deliverer.

A few words may be said about the controversy between Pope and Philips. The pastorals of the latter are probably best known through the celebrated article in the *Guardian*,* if indeed they can be said to be known at all; but there was a time † when Pope thought them deserving of a more favourable notice. So far as the theory of pastoral poetry is concerned, a modern reader will most likely give the victory to Philips. If shepherd life is to be written about at all, it seems clear that the proper style for it is the simpler style, not the more artificial. But Philips' attempts to realize simplicity are not always satisfactory. Where his language deviates from that of ordinary poetry, it generally becomes not rustic, but obsolete. His model is not the English of the rural districts of his own day, but the English of Spenser; and in the names of his *dramatis personæ* Hobbinol, Cuddy, and Colin Clout are strangely mingled with Myco and Menalcas. On the other hand, in the structure of his poems, he follows not Spenser, but Theocritus and Virgil; his shepherds not only talk in heroics, but sing in the same metre; so that, in fact, it is only by a conventional fiction that they can be said to sing at all. Thus any one who takes the trouble to peruse his pastorals will probably pronounce them to be compositions of the same class with Pope's, but of course infinitely inferior. Those, however, who read Gay's *Shepherd's Week* with pleasure as a natural picture of rustic life,‡ may, I think, extend some of their approbation to the poet whom Gay was employed to parody. If Philips, while endeavouring to be natural, has omitted the coarser features of shepherds' society, Gay has run, as he intended to run, into the opposite extreme. Gay's style is as conventional as Philips', and if the work has any merit beyond that of a clever burlesque, it is as representing the same life in a lighter aspect which Philips has described more sentimentally.

---

* *Guardian*, No. xl.

† Pope to Cromwell, Bowles, vol. vii. p. 136.

‡ 'But the effect of reality and truth became conspicuous, even when the intention was to show them grovelling and degraded. These pastorals became popular, and were read with delight as just representations of rural manners and occupations by those who had no interest in the rivalry of the poets, nor knowledge of the critical dispute.'—Johnson's *Lives*, vol. ii. p. 285.

II. *The Essay on Criticism.*

Pope had already given some proof of his judgment and knowledge as a critic in a *Discourse on Pastoral Poetry*, prefixed to his *Pastorals*—an essay which has received high and not wholly undeserved praise. Like all Pope's more serious prose compositions, it is written with elegance, though with some stiffness; and if his precepts are drawn not from nature, but from the most artificial specimens of an artificial school, the fault must rest mainly with the authorities from whom he borrowed them. There were not wanting precedents for his next attempt, a didactic poem on poetical criticism. Four poems of this sort, three of them by patrons of Pope's, had been produced within a short period previously—Sheffield's *Essays on Satire and on Poetry*, Roscommon's *Essay on Translated Verse*, and Granville's *Essay on Unnatural Flights in Poetry;* and the poem to which they doubtless owed their impulse, Boileau's *Art of Poetry*, had appeared in an English version, to which Dryden was known to have lent a helping hand. We might have expected that Dryden himself, so eminent as a prose critic, and so didactic in the style of his poetry, would have undertaken a similar work; and indeed there are many of his occasional poems, prologues and epilogues, and epistles to friends, which may not unfairly be classed under this head. Pope had prepared himself for the task, as he told Spence,* by devouring as a boy all the best critical works that came in his way; and his early letters show that when he read the poetry of his predecessors he read it as a critic. Spence is the authority for a statement,† once questioned by Johnson, but surely possessing intrinsic probability, that the essay was originally written in prose; and those who would examine it must subject it to something like the reverse process, and turn it back into prose again. As a preceptive work, its merit have, I think, been exaggerated. Johnson certainly goes too far when he says that it 'displays such extent of comprehension, such nicety of distinction, such acquaintance with mankind, and such knowledge both of ancient and modern learning, as are not often attained by the maturest age and the longest experience.' Without endorsing Lady Mary Wortley Montagu's vindictive assertion‡ that it is 'all stolen,' we may question whether there are many of the precepts which might not be traced to their source in some earlier writer. That a boy should be able to master and appropriate criticism of the dogmatic and conven-

* Malone's *Spence*, p. 49. † Ibid. p. 3. ‡ Ibid. p. 30.

tional sort—and the essay can hardly be said to have advanced beyond this—is not surprising. Johnson's own *Lives* are precisely the book which an intelligent schoolboy may appreciate and make his own. So, again, worldly remarks on life and manners may be picked up at second-hand and retailed by one who has had no reason to find them true. As to the method, no one but Warburton ever pretended that the essay was thoroughly systematic, though Pope himself appears to have censured the absence of a regular plan in the work which is the prototype of his and all similar attempts, Horace's *Art of Poetry*.* Warburton admits that many of the directions are as much addressed to poets as to critics; but though he shows without difficulty that the arts of poetry and criticism are cognate subjects, he does not prove the poem to be regular. When we come to examine the execution, we find much that can only be called commonplace. In the first two paragraphs, for example (eighteen lines), there is nothing remarkable but the witty comparison of judgments to watches. These short pointed illustrations constitute, in fact, one main source of the attractiveness of the poem; but they are not always equally happy, and they are not scattered about in any great profusion. They furnish a sufficient number of lines for quotation to keep the essay in the mouths of men, if not in their minds; but they are rather foreshadowings of that eminence which Pope was to attain as a sparkling and epigrammatic writer than actual contributions towards it. To a modern reader probably the acceptability of the poem rests chiefly on those longer passages which elaborate versification and a certain elevation of sentiment are evidently intended to lift above the level of the rest. Such are the tribute to the great classic poets which concludes the first part, the comparison of progress in learning to the ascent of the Alps, the reflection on the short duration of modern poetry, the lines on the revival of learning, and the apostrophe to Walsh with which the poem is brought to an end. Yet it may be doubted whether any of them approaches the beauty of that digression in Horace, almost the only thing of the kind in the *Ars Poetica*,† where an observation on the mutability of language is drawn, though but for a moment, into a general moral. There is, however, one passage in the essay which is worthy of higher praise than any of those which I have enumerated. I allude of course to the famous lines where keen and graceful ridicule of common faults in versification is followed by an enforcement and exemplification of the doctrine that the sound should seem an

* Spence.

† *A. P.* vv. 60 foll.

echo to the sense, and the whole culminates in an eulogy of Dryden's magnificent *Ode on the Power of Music*. Johnson has attempted to break down the doctrine of representative harmony by a rigorous examination of Pope's endeavours to produce the effect of swiftness and slowness. But in the lines where he has, as he says, set the numbers used in describing the labour of Sisyphus to another sense, the numbers are not really the same;* and he forgets, too, that a poet is not bound to produce a line where the sound of the words shall tell its own tale quite irrespectively of the sense, but only one where the sound will assist the impression which the sense is already making. Whether, as he asserts elsewhere, there is no particular heaviness, obstruction, or delay in the lines which mention the effort of Ajax, is a question for the ear; and the ear too will, I think, decide that there is a reason why a line, constructed so as to be pronounced rapidly, will give an additional notion of speed if it happens to be an Alexandrine. Altogether, the passage is an eminently happy instance of criticism conveyed in a delicate artistic form, and passing into poetry of a higher, though not the highest, sort. The only drawback to its excellence is the resemblance of the last line to another in the poem which occurs exactly a hundred lines later. Two such verses as—'And what Timotheus was is Dryden now,' and 'And such as Chaucer is shall Dryden be'

---

* Pope's lines are—

> With many a weary step, and many a groan,
> Up the high hill he heaves a huge round stone:
> The huge round stone, resulting with a bound,
> Thunders impetuous down, and smokes along the ground.

Johnson's parody is—

> While many a merry tale and many a song
> Cheered the rough road, we wished the rough road long:
> The rough road then, returning in a round,
> Mocked our impatient steps—for all was fairy ground.

It is obvious to remark that 'merry' has a much less tedious sound than 'weary;' that the sense of panting occasioned by the five aspirates in Pope's second line is not analogous to anything in Johnson's; and that 'thunders impetuous,' which is nearly equivalent to two dactyls, has a more rapid movement than 'mocked our impatient.'

The eleventh book of the *Odyssey* was translated by Broome; Pope, however, speaks of the lines as his own, having perhaps made them so by alteration. The last line is taken from one of Dryden's plusquam-Alexandrines in his version of the end of the third book of *Lucretius*.

> What is it but, in reason's true account,
> To heave the stone against the rising mount,
> Which urged, and laboured, and forced up with pain,
> Recoils, and rolls impetuous down, and smokes along the plain?

—ought not to have occurred in a single composition of no immeasurable length.

On the whole, while the *Essay on Criticism* may be readily allowed to be superior in execution, as it certainly is in compass, to any work of a similar nature in English poetry, it can hardly be said to redeem the class of didactic poems on æsthetics from the neglect into which it has now fallen, or to make us regret that the critical ability of our own day should prefer to follow the path which Dryden marked out when he chose to discourse of poetry in his own vigorous and flexible prose.

III. *The Lyric Poems.*

If there is any kind of composition which Pope can be said to have cultivated without success, it is lyric poetry. His minor pieces indeed, such as the boyish *Ode to Solitude*, are not unpleasing; and the *Dying Christian to his Soul* might perhaps call for some praise, in spite of its utter conventionality, if the verses, which, as he tells his correspondent Steele, came to him the first moment he waked in the morning, had not presented themselves in the borrowed plumes of Flatman. But it was in an evil hour that he listened to the entreaties of the same correspondent, at that time probably busied in the management of a public concert, and accepted the perilous service of writing an *Ode for St. Cecilia's Day*. The result is a poem which, as Gray justly observes, is not worthy of so great a master. While challenging comparison but too evidently with the unapproached grandeur of Dryden's second ode, it hardly rises to the height of the first and much slighter effort, and is perhaps less pleasing than the forgotten attempt of Congreve. The opening stanza is an experiment in imitative versification, which succeeds where it is confined to the iambic or trochaic rhythm, but fails when it passes into a different measure. What harmony can be extracted from lines like these,

> Let the loud trumpet sound
> Till the roofs all around
> The shrill echoes rebound,

which are evidently meant to run in the same measure, but really oscillate between two distinct rhythms, the cretic and the anapæstic? or can an ear which has been accustomed to the unforced flow of Moore's anapæstic dimeters (metrical questions can hardly be treated with precision except in a pedantic terminology) find any pleasure in such cadences as the following,

> Exulting in triumph now swell the bold notes,
> In broken air trembling the wild music floats?

Johnson remarks that the second stanza consists of hyperbolical commonplaces; he might have added that some of them are peculiarly unhappy, as anticipating in the comparatively weak language of metaphor the images which appear a stanza or two afterwards in the bolder form of personifying fable. When we are told that 'Melancholy lifts her head, Listening Envy drops her snakes,' the effect is to prevent any vivid impression which we might have received from the dancing spectres and listening Furies in the story of Orpheus. The conclusion of the third stanza is musical, and there is vigour of expression in the line 'And men grew heroes at the sound;' but the images are again trite. The stanzas about Orpheus and Eurydice, with their 'Dreadful gleams, Dismal screams, Fires that glow, Shrieks of woe,' their iteration of Virgil's thoughts in numbers which, if sometimes marked by melancholy sweetness, too often affect a rapidity of movement which is simply grotesque and undignified, have just now been characterized, not more strongly than they deserve, by the author of *Merope*. It is curious that Johnson should consider the form perfect and lay all the blame on the matter, as if the sorrows of the bereaved husband had not been made interesting by Virgil, and could not be made interesting again by a poet who should realize them by his own power of independent sympathy. The conclusion is an unhappy imitation of an unhappy thought of Dryden's, whose ode ends, as Johnson remarks, with a false antithesis. Dryden balances Timotheus, who metaphorically 'raised a mortal to the skies,' against Cecilia, who, according to the legend, literally 'drew an angel down.' Pope contrasts the power of Orpheus, which literally 'raised a shade from hell,' with that of Cecilia, which metaphorically 'lifts the soul to heaven.' Both are unfortunate, but Pope the more so, as he gives the weaker, the metaphorical attribute, to the power which he is anxious to show to be the stronger. It may be observed, too, that Pope's epigram is more gratuitous than Dryden's, as, while the power of Timotheus is the one subject of *Alexander's Feast*, Orpheus is the hero of only part of Pope's performance, and so need not have been recalled to the stage at the falling of the curtain. Pope might probably have done better if he had followed Dryden's example more closely, and made his ode turn entirely on the Orphean story, which he might then have related with greater fulness; though his subject would have been less suitable to his purpose than Dryden's, as being calculated to bring out only a single effect of music, its power to soothe and soften, not that universal mastery over the various forms of human emotion which the tale told by Dryden so gloriously embodies.

Of course Pope is not to be compared with any ideal standard, or to be blamed because he could not philosophize on music like Wordsworth in his *Ode on the Power of Sound*, or make us feel the spell which it lays on a reveller as intuitively as Mr. Tennyson has done in the earlier part of his *Vision of Sin*. All that could be asked of him was that he should exhibit his own strength; and this he has certainly failed to do. The cause of this inequality is doubtless to be found in his inaptitude for lyric metres. The beaten track of the heroic couplet he knew; but in attempting the wider and more complex harmonies of the ode, he was venturing on a region which, though visited by many, had been fully explored by none, and from which only one had returned with anything like adequate success.* He knew his failure, and never repeated the experiment. I need say nothing of his attempts to imitate the Greek chorus, which Mr. Arnold has lately had occasion to notice. Warburton thinks them 'enough to show his great talents for this species of poetry, and to make us lament he did not prosecute his purpose in executing some plans he had chalked out:' but the reconciliation between the two contending branches of the drama was not to be accomplished by the insertion of choruses about 'Moral truth and mystic song,' 'Guilty joys, distastes, surmises, ... False tears, deceits, disguises, Dangers, doubts, delays, surprises,' in tragedies altered from Shakspeare by the Duke of Buckingham.

IV. *Windsor Forest.*

The poems from which Pope is supposed to have drawn hints for *Windsor Forest* are Denham's *Cooper's Hill*, Waller's *Verses on St. James's Park*, and Addison's *Epistle from Italy*. The two former belong to a different period, and so are to be contrasted rather than compared with Pope's poem, though the first has sense, vigour, and some force of imagination, and the latter fancy and a turn for courtly compliment: but the third affords a better analogy, not only in versification and

* I see that Dryden uses the same image in speaking of the Pindaric ode in a letter to Dennis (Malone, vol. i. part 2, p. 35):—'I could wish you would cultivate this kind of ode, and reduce it either to the same measures which Pindar used, or give new measures of your own. For, as it is, it looks like a vast tract of land newly discovered: the soil is wonderfully fruitful, but unmanured; overstocked with inhabitants, but almost all savages, without laws, arts, arms, or policy.' Any one who has glanced at the Pindaric compositions of the seventeenth century will see that Dryden's language is amply merited. Dennis wrote a Pindaric ode to Dryden on his translation of the third Georgic.

language, but in the treatment of the subject, where local description is intermixed with reflections on politics. Here, however, as elsewhere, Pope's command of diction and harmony give him an unquestionable pre-eminence. His poem is also distinguished from those of his predecessors by a number of descriptive touches, though it may be doubted whether they are of the kind which is most proper for poetry. We see not only the fisher and his angle, but the different colours of the various fish—not only the sportsman and his gun, but the several parts of the pheasant, discriminated according to the hues of their plumage. The description is sufficiently minute; but little or no imagination seems to have presided over it, and the emotions which it raises are not much more elevated than the childish wonder with which a savage regards a picture simply because it is a picture. Add to this that the poet is led to compensate for the want of imagination in his manner of conceiving the object by a stilted magniloquence which is meant to do duty as the language of poetry. The barrel of the gun becomes 'the tube,' the report 'a short thunder,' the shot the 'leaden death,' the fishing-rod 'the reed.' It would be a little unfair to parallel the description of the pheasant with that of the phœnix in Whitbread's Rejected Address for the opening of his own theatre, which, according to Sheridan's report, was a regular poulterer's description, beak, feathers, and all; but though the reader's eye may be supposed to rest on the beauty of the plumage as he sees the bird on the ground, it would hardly take in all the various particulars; and there is something ludicrous in supposing them to be severally pleading for the creature's life. Johnson blames Warton for comparing Pope's description of the stag-chase disadvantageously with Somerville's, alleging that they stand on different grounds, the latter being the author's main subject, the former an incidental feature, to be briefly despatched; but if Warton had chosen to amend his plea, and point to the stag-chase in *Cooper's Hill*, he might, I think, have shown that Denham has given more poetical interest to the object than Pope. Denham does not describe the antlers or quarters of the stag, but he awakens human sympathy for the hunted animal, whose race for life is represented in language which may remind us of the human colouring of the picture of the bull-fight in the Third Georgic, or of the more pronounced pathos of Wordsworth's *Hart-leap Well*. The passage is too long, not merely for quotation, but for the propriety of the poem; but I extract a few lines:—

> Betrayed in all his strengths, the wood beset,
> All instruments, all arts of ruin met,

He calls to mind his strength, and then his speed,
His winged heels, and then his armed head,
With these to avoid, with that his fate to meet;
But fear prevails, and bids him trust his feet.
So fast he flies, that his reviewing eye
Has lost the chasers, and his ear the cry;
Exulting, till he finds their nobler sense
Their disproportioned speed does recompense;
Then curses his conspiring feet, whose scent
Betrays that safety which their swiftness lent;
Then tries his friends; among the baser herd,
Where he so lately was obeyed and feared,
His safety seeks; the herd, unkindly wise,
Or chases him from thence, or from him flies.
Like a declining statesman, left forlorn
To his friends' pity and pursuers' scorn,
With shame remembers, while himself was one
Of the same herd, himself the same had done.*

Pope's minuteness of description, however, does not extend to the main features of the forest, which, as Warton points out, are mostly described in language that would apply to almost any other place. 'He' (the critic), retorts Johnson, 'must inquire whether Windsor Forest has in reality anything peculiar;'† a remark which will appear in its true light when illustrated by another Johnsonian dictum—'Sir, when you have seen one green field, you have seen all green fields: Sir, let us walk down Cheapside.' Mr. Carruthers reminds us that we have another poem in our language which was composed 'under the oak-shades of Windsor Great Park,' Shelley's *Alastor;* and though it does not profess to represent the spot, its pictures of forest scenery are anything rather than vague or generalized.

Windsor Forest contains some happy imitations of passages in the Latin classics, and one so unhappy as almost to extinguish the merit of the rest. In the story of Lodona, Pope has shown that he can tread in the steps of Ovid; but it is difficult to estimate the want of poetical feeling which, even to compliment a patron, could so travestie those noble but melancholy lines in which Virgil gives the palm of happiness to an insight into the causes of things, and the next place to rural enjoyments, as to make an award assigning the first prize to a life at Windsor Castle, the second to a life in Windsor Forest.

---

* Thomson, in his description of the stag-hunt, may have had his eye on Denham.

† Review of Warton's *Essay.*

V. *The Rape of the Lock.*

If we need not spend much time over the *Rape of the Lock*, it is only because there can be little to say about a poem so exquisite in its peculiar style of art as to make the task of searching for faults almost hopeless, that of commending beauties simply impertinent. Here, indeed, Pope was on his own ground, and his progress from first to last is a continued triumph. His marvellous polish of language and metre, his exuberant liveliness of fancy, his fondness for classical imitations, which are too often only parodies, may occasionally appear unseasonable elsewhere; but here they are thoroughly in place. The air of studied stiffness, which is apt to spoil the effect of his prose compliments to his female correspondents, is carried off and disappears in the atmosphere of a poem the metre and conduct of which proclaim it to be designedly artificial. Where no warmth is expected or desired, we do not feel frigidity; where there is no work for imagination to do, we do not complain that her place should be supplied by fancy. That the machinery is borrowed, Pope himself confesses; but Warton testifies that the debt extends to nothing more than the general idea of the existence of these sylphs and gnomes: and though, to take another instance, all honour is to be given to Dryden for the sublime conception of employing the guardian angels of kingdoms as the supernatural motors of an epic, scarcely less would have been due to Pope had he introduced them, as he hoped to do, in his own projected poem without the sacrifice of dignity or propriety. Many will doubtless agree with Cowper that

> The man that means success should soar above
> A soldier's feather, or a lady's glove;

but while such regrets may affect our estimate of the poet, they are out of place in considering the poem. In an artistic sense, the labour is not misapplied, for it accomplishes its result, and there is no reason to think that the same thing could have been produced at less cost. Pity as it may be that so slender a pillar should have to bear so large a part in sustaining the weight of so great a reputation, no one can say that the consummate art of its workmanship would not render it a conspicuous object in any palace which has ever been reared for the Muses under our own or any other sky.

VI. *The Temple of Fame.*

It is not strange that in an age when translations from the classics seem to have been as popular among the writers and readers of poetry as original compositions, men should have

attempted to modernize the earlier authors of their own language. Dryden had published adaptations from Chaucer in his *Fables,* the work of his old age, which had attained, as it deserved, splendid success; the story of *Palamon and Arcite,* as rewritten by him, being a sort of specimen of his powers in the minor epic. To modernize Chaucer accordingly was one of the exercises proposed to himself by the youthful Pope. The *Temple of Fame,* however, the only one of these displays of talent which need be noticed here, exceeds the ordinary licence of a modernized imitation. Chaucer's *House of Fame* consists of three books; Pope has almost wholly confined his attention to one of them, the last. His omissions are more extensive than his alterations; but in a poem of which every part is characteristic, to omit largely is in effect to alter largely. The change in the versification produces a change in the whole external form of the work. Dryden had substituted his own vigorous heroics for the ruder ten-syllable lines of Chaucer; but the measure was really the same, and the infusion of a little new blood in the shape of one or two more modern or more full-sounding words was frequently all that was wanted to make the old verses such as a later age might read with pleasure. But the seven-syllable or eight-syllable metre of the *House of Fame,* running on from line to line without balance and without pause, had no parallel in Pope's time to plead for its retention; and the heroic in Pope's hands is much less Chaucer-like than in Dryden's. The step in the one case is from the hexameter of Ennius to that of Lucretius or Catullus; the step in the other is from the Saturnian measure of Naevius to the hexameter of Virgil. The Gothic house is pulled down, and a temple of the Composite order erected on its site. Few things, certainly, can be less like the manner of Pope than Chaucer's opening ejaculation, 'God turne us every dreme to goode!' followed as it is by above sixty lines of disquisition on the material or supernatural character of dreams, by way of introduction to the dream which is the subject of the poem; or than the eagle's somewhat unreasonable attempt to extract a compliment from the poet at the end of the long discourse with which he has enlivened their aerial journey—

> Telle me this now faythfully,
> Have I not preved thus symply,
> Withouten any subtilite
> Of speche, or grete prolyxite
> Of termes of philosophie,
> Of figures of poetrie,
> Or coloures of retorike?

Pope preferred, as he tells us himself, to take a hint for his opening from other poems of Chaucer which begin with a description of some season of the year. One of these poems —*The Flower and the Leaf*—is included among Dryden's paraphrases; and Pope's exordium shows that he had his eye on his master. But his language and versification, finished as they are, have not the spring and life of Dryden's; and, after a few lines, he wisely declines the contest with one of the most musical and energetic passages of description which are to be found in that great poet's works. The picture which he raises in the next paragraph seems open to an obvious objection. Standing between earth, seas, and skies, he sees the globe below him hanging self-balanced in air, with its rising mountains, circling oceans, naked rocks, empty wastes, towering cities, green forests, sailing ships, trees, temples, and alternations of sunshine and cloud. A poet's fancy is not to be circumscribed; but we may perhaps question whether Pope had reflected that he is supposing himself to take a very distant and a very close view of the earth at one and the same time. Chaucer's eye rolled in no such fine frenzy. Borne in the talons of his eagle, he rises gradually. On first looking down he sees the various objects which Pope has enumerated, but on a second view these have vanished, and the earth is just recognisable, not as a self-sustained ball, but as something no bigger than a point. In Pope's account of the temple, and throughout the poem, we may observe an intermixture of the moral with the allegory, which in Chaucer is mere simplicity, but in a more artificial poet is unpoetical and tasteless. Thus, we are told that the ice-palace is impaired alike by storm and sun, *for* fame decays both by envy and by excess of praise—that the wall has the multiplying effect of glass, *for* romantic fame increases all—that crowds of all degrees bend before the goddess, *for* good and bad alike are fond of fame. Nor is there much to commend in the manner in which the heroes and kings are for the most part represented. Some notion is given to us of what they were historically; but we do not see their statues, or, if we do, the marks of likeness are generally commonplace. What conception of sculptured imagery do we gain from being told that Scipio was great in his triumphs and great in retirement, that Aurelius had a well-balanced mind, that Agis was not the last of Spartan names? or from the negative statement that 'Brutus his ill genius meets no more?' In the six primary columns the representation is addressed more directly to the eye, but in general it is poorly imagined, though the language is ornamental and the lines sonorous. The best of the figures is

Pindar; the worst, Horace, who is hardly described at all, unless by the epithet 'happy,' and the mention of his lyre, though we see the accessory sculptures round his column, and are told that he imitated Alcæus and Sappho. Chaucer, it is true, is not more graphic; but he apparently means us to think not so much of the bodily similitude of the individual poets as of the office which they perform, each standing on his pillar and supporting the fame of some grand historical event. Nothing need be said of Pope's selection of the six great names of ancient literature, except that it illustrates the range of his own reading and of that of his time, when Plato and the Greek dramatists were all but unknown to the general student, and the poets had thrown the historians completely into the shade. The conclusion of the poem, which is Pope's own, reminds the reader gracefully enough of the individuality of the author: it is awkwardly placed, however, as the subject has shifted from the temple of Fame to that of Rumour; and, if the criticism is not too microscopic, the last couplet is blemished by a rhyme—*unknown* and *none*—which is either no rhyme at all, or the rhyme of a word rhyming to itself.

VII. *The Elegiac Poems.*

The *Elegy on the Memory of an Unfortunate Lady* has, I venture to think, been a little over-praised. The prevailing sentiment of the piece is one which calls out but a very qualified sympathy, and the images by which it is advanced approach too nearly to poetical or rhetorical commonplace to excite any warmer feeling than that of admiration for the beauty and ingenuity of their expression. Our sense of the 'striking abruptness' of the opening is materially diminished when we find that both thought and language are taken from the commencement of another elegy on a lady, by Ben Jonson. Nor does it seem possible to abate the censure which the great moralist passes on 'the illaudable singularity of treating suicide with respect.' Pope, who was always more or less of the critic and the reasoner, does not merely commend the lady's death to our feelings, but argues in its praise; and by argument he must accordingly be judged. He pleads for her as a lover, and he pleads for her as a Roman—two characters which might possibly be found capable of reconciliation if we knew the secret of her personal history, but which certainly do not amalgamate readily in our thoughts. A Roman death was frequently proposed as an object for the enthusiasm of the last century; but there probably was never a period in which fewer Roman spirits walked on the earth; and it would require

strong evidence to make us believe that this heroine, as she appears to have been, of an attachment to one who was her superior in rank, was animated by anything like the spirit of the daughter of Cato and wife of Brutus. The very address to the 'Powers' is a piece of unreality in a serious poem; and it is strange recklessness, if not something worse, to talk of heaven as the origin of that ambition which was 'the glorious fault of angels and of gods.' The poet's teaching might have been immoral, yet he might have found his way to our feelings; but what feeling can be touched by a vindication of ambition as having originated with the fallen angels, and having thence passed into the breasts of kings and heroes, who are called 'their images on earth?' The contrasted picture of the meaner souls is striking, but perhaps too satirically ingenious for elegy; the image of the sepulchral lamps is spoiled by the less appropriate one which follows, of the Eastern kings; and a modern reader may be excused for preferring 'the long mechanic pacings to and fro, The set grey life, and apathetic end,' of *Love and Duty*. The 'ruby lips,' the breast that once warmed the world, and the 'love-darting eyes,' are somewhat commonplace in themselves, and, in the connexion in which they stand, affect the fancy rather than the feelings. A set appeal to them can hardly suggest the thoughts which the poet would have to knock at the heart of the 'false guardian.' The words with which Lear's agonized soul expires, though apparently similar, are really different: in his mind, if in any one's, the thought of the soul which is gone must have been undistinguishably blended with that of the form which he clasps in his arms; yet all is contained in a single word—'her lips'—with not even an epithet to indicate the mysterious union of beauty and death. The rest of the paragraph, however, is grand in its way—a denunciation of the terrible revenges of Greek legend in the majestic style of the translation of Homer. In the lines on her funeral, I conceive, with submission, fancy is again predominant over feeling. The first few couplets are admirable; but when he comes to disparage the ceremonial observances of which she has been deprived, he passes into an enumeration which is too much of a *locus classicus* of the funeral honours usual among Englishmen, more judicious, because shorter, than Lucan's catalogue of the rites which were dispensed with at the marriage of Pompey and Cornelia. The remainder of the poem is graceful, and not unaffecting, though the tone seems to vary a little between that of the admirer and that of the lover. There is something ungracious in pointing out what appears to be the defects of a work that has had so many

eulogists, but I trust that it may be possible to do so in the present day without becoming obnoxious to the language with which Warburton crushed a similar attempt by Lord Kaimes, and being reminded of the difference between 'the candour of a sensible and reflecting judge,' and 'the malice of every short-sighted and malevolent critic.'

The Ovidian Epistle is one of those artificial kinds of composition which can hardly hope to retain permanent favour. Horace and his imitators might write to their friends in familiar verse, as poets to readers of poetry; but there is something undramatic in representing the letters of lover to lover, even in the heroic age, by the studied elaboration of the modern elegiac couplet. If Pope's Eloisa does not talk in the language of epigram, there is something in her utterances which seems too stately and rhetorical for the occasion that calls them forth. The fact that we have her letters to refer to, and can see that Pope has followed them more or less closely throughout his poem, only makes us feel the contrast between the more natural and less natural forms of expression more strongly. Every point that is selected has the most made of it: the artist goes to work, and examines the turns which can be given to the thought, the possible felicities of the language, the charms of which the versification is capable; inquiring, not as a great dramatist would inquire of himself, in what manner his heroine would most naturally express her feeling, but how he can express it most finely as a poet. Taken as a poem, it is undeniably marked throughout by great vigour and sweetness: line follows line, each more forcible and musical than the last, till we are lost in wonder at the patient strength of execution that could sustain itself so long. But it would be vain to pretend that every part of the poem is calculated to give the same pleasure. The contrast between the heavenly and the earthly love is meant to be broadly marked, and the distinction is effected by stripping the latter of anything approaching to ethereal purity, and reducing it to merely sensual desire; while even there, as in the *Elegy*, Pope's argumentative vein breaks out, and immoral doctrines are put forward in a tersely dogmatic form. To say that the coarseness of some of the expressions of passion is rendered from Eloisa's own letters,* is only to say that Pope ought never to have chosen the subject, especially as his plan has led him to amplify and embellish every detail, throwing no part

* Eloisa's letters I only know from the extracts given in Warton's *Essay;* but it appears from an article on Pope in the *Quarterly Review*, vol. xxxii., that Pope has aggravated coarseness into licentiousness.

of his heroine's feelings into the shade, but exhibiting each emotion, whether virtuous or criminal, in all the light that poetical diction and harmony can shed over it. The passages which speak of cloistral solemnities, of the neighbouring scenery and its effect on the mind, and of the details of Catholic worship, are in general eminently beautiful, though the researches of the critics or Pope's own admission have shown that for some of his most striking expressions or lines he has been indebted to predecessors who are now only known to travellers along the byeways of English poetry. The egotism of the conclusion is artfully introduced, and additional interest is lent to it by the mystery that hangs over the attachments which Pope appears to have felt; but with the *Temple of Fame* and the *Elegy* fresh in our memory, we rather resent a third attempt to make the feelings with which we lay down a poem rest not on the subject, but on the writer.

VIII. *The Translation of Homer.*

To censure Pope's *Homer* as un-Homeric has now become a cheap and easy task. It was always known not to be a close rendering of the original; and the difference of centuries between the manner of the pre-historic age of Greek literature and the manner of the English poetry of Queen Anne's reign has at last made itself felt by readers of every sort. Whatever errors there may be in the conceptions of style which prevail in the present day, there can be no doubt that a keen appreciation of the characteristic style of different periods, a perception of the historical analogies of different manners of writing, are more generally diffused now than was the case even thirty years ago. The various translators of *Homer*, as a general rule, have simply rendered him into the style in which they were themselves accustomed to write—some with greater, some with less fidelity to the words of the Greek, but none of them paying any special attention to the Homeric manner. Chapman's early English fortunately happens to coincide to some extent with Homer's early Greek; but though his simplicity strikes us in contrast with the conventional art of a modern poet, he is an Elizabethan writer all over, continually running off into quaint conceits, forced metaphors, and a philosophical jargon, for which it is needless to say that his author affords no warrant. Ogilby and Hobbes simply fashioned Homer into such English as they could command; and if their language is mean and their metre rugged, it is because they had not the genius or the skill to do better. Dryden, indeed, in the preface to his *Fables*, dwells

at some length on the difference between Homer and Virgil, asserting that the former is more congenial to his own temperament, and consequently more pleasant to translate, than the latter; but his general notion is that Homer is more rapid and careless, Virgil more slow and careful; and he shows his sense of the distinction when he passes from one to the other, simply by throwing off restraint, disdaining to correct his language, and taking liberties with versification: he imitates the simplicity of the old Greek garb merely by appearing in public in his own dressing-gown and slippers. Cowper, writing after Pope, had the advantage of knowing what to avoid; but he was misled by a false analogy, and seeing in Milton a great epic poet, austere in his manner and repellent of meretricious ornament, attempted to force on Homer a style which, rightly considered, is almost as artificial as Virgil's, and which, moreover, he was himself unequal to wield. Sotheby is the last whom I need name; and his translation, though welcomed with enthusiastic encomium by Professor Wilson in a series of brilliant articles, which it is a satisfaction to see reprinted, is really, as Christopher North's friend Tickler observes in another part of the same magazine, only Pope spoilt, closer to Homer in words, and with fewer additions of the translator's own, but in all its essentials as much a poem of 1834 as Pope's is a poem of 1715–1725, with all the difference between them which existed between the two men as poetical artists. Errors of this kind we can now understand, and it is perhaps a wonder that they should not have been understood sooner. In one sense we may very probably be losers by the discovery; in another we shall certainly be gainers. A future Pope is not unlikely to be deterred from attempting Homer at all; but should he make the experiment, he will hardly be satisfied with merely giving a new nib to the pen which executed the boyish version of the *First Book of Statius his Thebais*.

So much it was necessary to say on the theory of translation; and now we are free to do justice to the extraordinary and unrivalled excellence of the poem, as a product of Pope's peculiar power. Probably no other work of his has had so much influence on the national taste and feeling for poetry. It has been—I hope it is still—the delight of every intelligent schoolboy: they read 'of kings, and heroes, and of mighty deeds,' in language which, in its calm majestic flow, unhasting, unresting, carries them on as irresistibly as Homer's own could do, were they born readers of Greek; and their minds are filled with a conception of the heroic age, not indeed strictly true, but almost as near the truth as that which was entertained by Virgil himself. Their imagination is refined,

exalted, satisfied. All the felicities of Pope's higher style are concentrated in this translation. It occupied ten of the best years of his life, and it adequately represents the fruits which powers like his were sure to produce by the mere force of constant exercise. The peculiarities of his own mind, which sometimes offend us when exhibited on a small scale, do not appear equally unpleasing when we see them more at large. It may be only an arbitrary fancy, but I do not find the modernization of Homer nearly so frigid as the modernization of Chaucer. The language which Achilles and Agamemnon are made to talk seems less inappropriate than the words which are put into the mouth of Eloisa. One cause doubtless is, that Pope was compelled to allow himself less latitude and exhibit himself less. His *Homer*, though a sufficiently free translation, is a translation after all. It was on this limited neutral ground, I incline to think, that his genius as a writer on heroic or ideal subjects was best qualified to expatiate. For such themes it was well that others should find the thoughts, he undertaking to supply the manner, the diction, and the numbers. Marvellous as his *Pastorals* are, as I have said, as a feat of youthful dexterity, he would probably have done more justice to his own gifts had he merely given a translation of the *Eclogues*. We should then have had a version which, though inferior to Dryden's in freedom, facility, and dauntless vigour, might, even at that early time of Pope's life, have shown marks of a skill resembling, however faintly, the exquisite delicacy of Virgil's own touch. As it is, we have poems which, while owing nearly all their merit to the passages in which they remind us of Virgil, have not the substance and texture of independent works—Virgil's images and Virgil's thoughts, but not strung together in Virgil's order. From such an attempt his reverence for Dryden, whom even then he doubtless aspired to succeed, would alone have been sufficient to deter him. It was, on the whole, fortunate that the same feeling, aided by the inducements of interest and the solicitations of friends, led him to undertake the great work which Dryden had hoped to compass, but had left unaccomplished.

But whatever may be thought of the wisdom of his engaging in such a task at a time so critical for his fame, there can be no doubt that the applause with which his contemporaries almost unanimously greeted the appearance of his translation was richly deserved. It was not to be expected that they should weigh Chapman's merits against his in a goldsmith's scales; Chapman must have been already half obsolete, and would naturally appear to them only as one of the repre-

sentatives of a state of literary barbarism, from which it was their glory to have at last completely emerged. Hobbes' 'unstudied and unpretending language,' which Sir William Molesworth thought might give the reader a better notion of Homer's style than Pope, was estimated by them as what in fact it is, merely a piece of bald writing, which would be poetry if it could; and Ogilby, the favourite of Pope's school-boy days, and the banker on whom he not unfrequently drew for rhymes while composing his own translation, though a faithful interpreter of the Greek, ranks as an epic poet below Sir Richard Blackmore. Dryden, as was just now observed, from his incredible carelessness and rashness, fails just where he might have been expected to succeed; he sees that factitious dignity is no longer required, and therefore takes out a licence to be vulgar; and in the very same volume, where he shows, in his adaptations of Chaucer and Boccacio, how well he could write while on his good behaviour, Jupiter is made to call Juno his 'household curse,' his 'lawful plague,' his 'other squinting eye;' and the gods are sent off to bed 'drunken and drowsy,' even the Thunderer applying 'his swimming head to needful sleep.' Tickell's version of the First Book of the *Iliad*, which appeared within a day or two of Pope's,* and

---

* It appears from advertisements quoted in Nichols's *Literary Anecdotes* (vol. i. p. 109), that Pope's first volume was due June 6, 1715; Tickell's, June 8. In one passage Pope afterwards condescended to borrow from his rival—that describing the abduction of Briseis by the heralds. Pope's lines at first were—

> She in soft sorrow, and in pensive thought,
> Supported by the chiefs on either hand,
> In silence passed along the winding strand.

For the two latter of these we now have—

> Past silent, as the heralds held her hand,
> And oft looked back, slow moving o'er the strand.

Tickell's lines being—

> Sore sighed she, as the heralds took her hand,
> And oft looked back, slow moving o'er the strand.

It is curious that this circumstance of Briseis's looking back, which is not in Homer, but was apparently first introduced by Dryden, perhaps from the picture of Andromache's departure from Hector in *Iliad* vi., should have become so identified with Homer as to be reproduced not only by Sotheby, who is in general faithful enough, but by Cowper, who, contrasting his treatment of the original with Pope's, says, 'I have omitted nothing; I have invented nothing.' Other coincidences between Pope and Tickell seem to be merely fortuitous; as when Pope (in the first, as well as in subsequent editions) renders

> ἕλκετο δ' ἐκ κολεοῖο μέγα ξίφος,
> While half unsheathed appeared the glittering blade,

was the cause of the rupture with Addison, though hailed by the Whig coterie as 'the best that ever was made,' is really a performance of no remarkable merit; a respectable production of the Addisonian school, with far less vigour than Dryden's, and far less splendour than Pope's; and the passages in which, as his friend Young told him, he was allowed even by partial judges to have outdone his rival, can only be called inferior, though meritorious specimens of the heroic style of which that rival proved himself so great a master. There is another translation of the greater part of the First Book, by Maynwaring, now so completely forgotten, that probably scarcely a single reader of Johnson's *Life of Pope*, where it is casually mentioned, knows where it is to be found, as it was published anonymously in the fifth volume of Tonson's *Miscellany*, and is not included in the author's *Remains*—a level, matter-of-fact, business-like composition, never rising into high poetry, and sometimes sinking into low prose.* Pope, while smarting under the non-recognition of his own

---

Tickell—

And half unsheathed he held the glittering blade;

the picture, though not the words, having been doubtless taken from Dryden's

Half shone his falchion, and half sheathed it stood,

as that may have been from Ogilby's

His sword half out.

I had hoped to have been able to present those who may be curious, as I am myself, about this passage in literary history, with a specimen, if not an entire transcript, of the MS. remarks which Pope at one time (see Johnson's *Lives*, Cunningham's edition, vol. iii. pp. 43, 44) thought of publishing on Tickell's version. It appears from Nichols's *Anecdotes* (vol. v. p. 640) that this volume (a copy of Tickell with remarks in Pope's handwriting), having been accidentally separated from Pope's other books, fell into the hands of Isaac Reed; and that Hurd, to whom Warburton had given the rest of Pope's library for the collection belonging to the see of Worcester, wished to purchase it, when Reed generously presented it to the collection, observing that such treasures should not be made a matter of bargain and sale. I accordingly applied to the Bishop of Worcester, who kindly threw open to me the library at Hartlebury; but I found that the volume was missing, its existence being vouched for by a catalogue dated May 28, 1808, as the fact of its absence is recorded in pencil on the margin of the same catalogue by some later hand, probably within the last few years. Nichols, however, says that Reed, before sending the book to Hurd, caused a transcript to be made, and that this transcript was afterwards in the possession of Alexander Chalmers; so that it is possible that some one may be able to point out the copy, even if the original should prove to have been irrecoverably lost. Since the above was written, my attention has been called to the *Gentleman's Magazine* for 1836, p. 349, where the author of an article on Pope speaks of a copy of Tickell containing Pope's MS. remarks as in his own possession.

* Pope and, I think, Tickell are under some slight obligations to

DOMINICAN COLLEGE LIBRARY SAN

superiority, had thoughts of republishing this version, together with Dryden's and Tickell's, side by side with his own, that the public might judge more readily of their respective merits. Let us do him some portion of that justice which booksellers' difficulties prevented him from doing to himself, by setting down in juxtaposition a short passage from each of the four translations. The specimens I have selected are, so far as I can judge, adequate representatives of the average quality of each; though Dryden in particular, along with some worse passages, contains some better. Those who care to compare them with the Greek, which is not my present object, may turn to *Iliad* i. vv. 233—247.

DRYDEN.

But by this sceptre solemnly I swear
(Which never more green leaf or growing branch shall bear,
Torn from the tree, and given by Jove to those
Who laws dispense and mighty wrongs oppose),
That when the Grecians want my wonted aid,
No gift shall bribe it, and no prayer persuade.
When Hector comes, the homicide, to wield
His conquering arms, with corps to strew the field,
Then shalt thou mourn thy pride, and late confess
Thy wrong repented, when 'tis past redress.
He said, and with disdain, in open view,
Against the ground his golden sceptre threw;
Then sate: with boiling rage Atrides burned,
And foam betwixt his gnashing grinders churned.

MAYNWARING.

But by this awful sceptre now I swear
(Which ne'er again will happy branches bear,
Nor native bark, nor growing leaves will shoot,
But left on distant hills the kindly root,
And now with Grecian judges must remain,
Who right dispense, and sacred laws maintain),

Maynwaring, as all three of them doubtless are to Dryden. Compare the following:—

Thou glorious light! whom Tenedos obeys.—*Maynwaring.*
Thou source of light! whom Tenedos adores.—*Pope.*

Encouraged thus, the blameless prophet spoke.—*Maynwaring.*
Encouraged thus, the blameless man replies.—*Pope.*

Till prosperous gales, no bribe or ransom paid,
To longing Chryses bear the black-eyed maid.—*Maynwaring.*
Till the great king, without a ransom paid,
To her own Chrysa send the black-eyed maid.—*Pope.*

Black choler boiling in his manly breast.—*Maynwaring.*
Black choler filled his breast that boiled with ire.—*Pope.*

Maynwaring intervened between Dryden and Pope and Tickell, the date of the fifth volume of the *Miscellany* being 1704.

Hear what I swear: whene'er the Greeks shall want
My needful aid, destruction to prevent,
And with regret their lost Achilles mourn,
No prayers nor gifts shall bribe me to return:
Hector shall strew with slaughtered foes the field,
And no relief thy impotence shall yield;
But, torn with deep remorse, thy heart shall break
For wronging thus in arms the bravest Greek.
The speech concluded, in disdain he tossed
His sceptre down, with golden studs embossed:
Atrides also stormed.

TICKELL.

But thou my fixed, my final purpose hear:
By this dread sceptre solemnly I swear,
By this (which, once from out the forest torn,
Nor leaf nor shade shall ever more adorn,
Which never more its verdure must renew,*
Lopped from the vital stem whence first it grew,
But given by Jove the sons of men to awe,
Now sways the nations and confirms the law),
A day shall come when for this hour's disdain
The Greeks shall wish for me, and wish in vain;
Nor thou, though grieved, the wanted aid afford,
When heaps on heaps shall fall by Hector's sword:
Too late with anguish shall thy heart be torn
That the first Greek was made the public scorn.
He said, and mounting with a furious bound,
He dashed his studded sceptre on the ground;
Then sat: Atrides, eager to reply,
On the fierce champion glanced a vengeful eye.

POPE.

Now by this sacred sceptre hear me swear,
Which never more shall leaves or blossoms bear,
Which, severed from the trunk (as I from thee),
On the bare mountains left its parent tree;
This sceptre, formed by tempered steel to prove
An ensign of the delegates of Jove,
From whom the power of laws and justice springs
(Tremendous oath! inviolate to kings):
By this I swear, when bleeding Greece again
Shall call Achilles, she shall call in vain.

---

* Tickell seems in this couplet to have been indebted to the *Rape of the Lock*, Canto iv. vv. 135, 6:—

Which never more its honours shall renew,
Clipped from the lovely head where late it grew.

Such an appropriation would hardly have been made by one who translated Homer with the express object of injuring Pope by his rivalry. Pitt has borrowed from one or other of the couplets in his version of the sceptre-passage in the *Twelfth Æneid*.

When, flushed with slaughter, Hector comes to spread
The purpled shore with mountains of the dead,
Then shalt thou mourn the affront thy madness gave,
Forced to deplore, when impotent to save:
Then rage in bitterness of soul, to know
This act has made the bravest Greek thy foe.
He spoke, and furious hurled against the ground
His sceptre, starred with golden studs around:
Then sternly silent sat. With like disdain
The raging king returned his frowns again.

This will enable us to measure Pope's superiority to his predecessors. What they did with more or less success, he did excellently. Dryden was the only one of them that could have stood the competition with him; and Dryden was exposed to defeat by his own disdainful security. Pope's lines are, indeed, a memorable comment on what was urged in the early part of this essay about the exactingness of his self-criticism. We feel that the passage could not have been written at once—that his first thoughts must have more nearly resembled those of his competitors, and that it can have been only after many reconsiderations that they assumed their present form. I do not know what evidence would be furnished by the famous MS. of Pope's *Iliad* in the British Museum, which I have never had the opportunity of consulting; but the specimens of other passages quoted by Johnson and by Disraeli the elder are enough to show what it probably would be; and we must not forget that there are such things as mental erasures, effacing first draughts, which have never been written down.*

Perhaps there will be no more convenient place than the present for speaking of the epic poem, which was the project of Pope's latest years. He told Spence† that he should certainly have written an epic poem if he had not engaged in the translation of Homer, so that it is perhaps to that cause that we owe the non-fulfilment of a dream which actually took substance in his early boyhood, and towards the end of his life was regarded as a thing half accomplished already.‡ Yet, though it is no wonder that he should have entertained a

---

* 'One must tune each line over in one's head, to try whether they go right or not.'—Pope, speaking of pastoral versification (Malone's *Spence*, p. 72).

† Malone's *Spence*, pp. 34, 54.

‡ ''Though there is none of it writ as yet, what I look upon as more than half the work is already done, for it is all exactly planned'. . . . 'It would take up ten years?' 'Oh, much less, I should think, as the matter is already quite digested and prepared.'"—Malone's *Spence*, p. 56.

thought which had filled Dryden's mind, it seems not unlikely that distrust of his own genius might have prevented him, even in his hot youth, from executing a work for which English poetry supplied no model within the reach of his imitation; while we can scarcely doubt that his reading, multifarious, but not profound, would not have stood in the place of invention, and supplied him with the substance without which an undertaking of that compass would have been sure to collapse. Nor were the changes which took place in his taste and feelings, as he receded from youth, such as were likely to be favourable to epic inspiration. His early aptitude for criticism and argumentative writing had developed into an inclination for philosophical study and didactic exposition.

'The idea that I have for an epic poem of late,' were his words to Spence, 'turns wholly on civil and ecclesiastical government. The hero is a prince, who establishes an empire; that prince is our Brutus from Troy, and the scene of the establishment, England. . . . . What was first designed for an epistle on Education, as part of my essay-scheme, is now inserted in my fourth *Dunciad;* as the subject for two other epistles there (those on civil and ecclesiastical government) will be treated more at large in my *Brutus*.'

Possibly another poet, of profounder philosophic insight and stronger imagination, might have accomplished the task, even under this view of it, without investing the heroic ideal with unseasonable modern associations; but Pope was not likely to do so. The government introduced by Brutus was to have been the early English constitution; the religion, that Deism which Pope seems to have embraced in his heart as the real truth which underlay his hereditary Catholicism. 'Brutus is supposed to have travelled into Egypt, and there to have learnt the Unity of the Deity and the other purer doctrines afterwards kept up in the Mysteries.' The prose draught itself of the plan of *Brutus*, which is given in Ruffhead's *Life*, and reprinted in Mr. Dyce's Memoir prefixed to the Aldine edition, as it ought to be in all biographies of the poet, is not very promising. Brutus is a philanthropist, who thinks not merely of settling the countrymen he has ransomed from slavery in an appropriate spot, but of planting pure manners in a virgin soil; he argues against the avarice and effeminacy of his less enlightened followers, who wish to settle in rich and fertile districts, 'as incompatible' (I quote Ruffhead's words) 'with his generous plan of extending benevolence, by instructing and polishing uncultivated minds.' His followers are alarmed by an Aurora borealis; he admits that he is as ignorant of it as they, but calms their terrors by the general reflection that Heaven never works miracles but for the good; and accord-

ingly, when they are attacked by barbarians the same night, the light proves serviceable for their defence. He lands in Britain, partly for the purpose of confounding the credulity which represented our island as inhabited by demons. He encounters giants who symbolize superstition, anarchy, and tyranny, and priests and magicians, whose supposed supernatural powers resolve themselves into the possession of natural secrets, such as the use of gunpowder. Then there were the guardian angels of kingdoms; and what proof had Pope shown of his capability, as Dryden expresses it, of managing anything so ponderous? Nor were these somewhat naked conceptions to have been clothed in the dress which mantles so proudly round the *Homer*, and fits so gracefully to the *Essay on Man*. He had adopted blank verse, as Johnson says, 'with great imprudence, and I think without due consideration of the nature of our language'—of that part of our language, at least, which was understood and wielded by himself and his great critic. Some lines with which he appears to have enriched the description of 'the lovely young Lavinia' in Thomson's *Seasons* are graceful enough; but they afford no proof that he had the real command of a measure which he appears never to have practised, and which appears in the eighteenth century to have been all but a lost art. On every account there seems reason to rejoice that Pope's epic never came to the birth. What Lord Macaulay is in prose, that Pope was in poetry. Each affords an exemplification of the truth of an acute remark made by the former,* that 'the world generally gives its admiration, not to the man who does what nobody else even attempts to do, but to the man who does best what multitudes do well.' Each has won, and justly won, almost unbounded applause by a number of comparatively short pieces, where any defect in the matter is neutralized by the transcendent skill of the manner. Each has been led, and fortunately led, to concentrate the full force of his genius in setting forth and adorning a story, which, though doubtless standing in need of appreciation, repels the aid of invention. Had Lord Macaulay's judgment been less sound, he might have possibly been induced to expend the prodigal wealth of his historical knowledge, his extraordinary narrative skill, and the exuberance of his power of vivid illustration, on an attempt to rival the creations of Sir Walter Scott. It was Pope's happiness, when still meditating epic song, to find himself condemned 'ten years to comment and translate.' Dr. Henry, in his commentary on Virgil,†

* *Essay on Addison.*

† *Classical Museum*, vol. vi. p. 39.

aptly remarks on 'the resemblance between those professedly original poems, but really semi-translations of the *Æneis*' (such as Ronsard's *Franciade*, of which he happens to be speaking), 'and our modern professed translations, but really semi-original poems.' Pope was, in fact, realizing his own dream without knowing it, in a better way than if he had worked on his own plan. His greater epics are the English *Iliad* and *Odyssey*, as his lesser are the *Rape of the Lock* and the *Dunciad*.

IX. *The Dunciad.*

The *Dunciad* is unquestionably a very great satire. As in so many of Pope's works, the conception may be found elsewhere, but the execution is pre-eminently his own. The empire of Dulness had been described by Dryden in *Mac-Flecknoe*, but *Mac-Flecknoe* is to the *Dunciad* what a masterly sketch is to a finished painting. Satire had been conducted in heroic pomp through six cantos, by Garth, in his *Dispensary;* but though there are good poetry and good sarcasm in the *Dispensary*, they are not the poetry and the sarcasm of Pope. The same power which in the *Rape of the Lock* was employed to give pleasure, is employed in the *Dunciad* to give pain. It is precisely because, as I have said, he was qualified to succeed in the heroic vein, not as an original inventor, but as a translator or close imitator, that he succeeds so admirably in the mock-heroic. His sympathy with epic grandeur is the sympathy of art, not of kindred inspiration; he can catch the tone of the grand style, but he is never so identified with its spirit as to be unable to contemplate it *ab extra;* he can see how it may be employed to burlesque the mean as well as to extol the lofty, nor is he in any danger of forgetting that the more than royal honours which he pays to his hero are paid only as a refinement of insult. There is a felicitous appropriateness, too, in the scope of his satire, at least as originally conceived. It is an involuntary comment on one of Aristotle's definitions, which perhaps has never received so strong a light from the best intentions of any commentator—that in which he erects the absence of art into a kind of positive quality, and calls it intellectual creation under the guidance of false reasoning. Just as Pope's own art was a power of which he was able, in whole or in part, to explain the mystery, admitting the public into the workshop, and displaying the secrets of the machinery, so the blundering which he chose to satirize was not simply capricious or inscrutably abstruse, but had intelligible laws of its own—it was, in fact, if we may so paraphrase Aristotle's word ἀτεχνία, an art of no art. The treatise on the Bathos

had unfolded this method of going wrong in burlesque prose; the *Dunciad* was to exemplify it in burlesque verse. The lines on false description, near the opening of the first book, are an admirable specimen of Pope's power of illustrating absurdities, and show, moreover, how much his hand had gained in strength and delicacy since the *Essay on Criticism.*

> Here gay Description Egypt glads with showers,
> Or gives to Zembla fruits, to Barca flowers;
> Glittering with ice, here hoary hills are seen,
> There, painted valleys of eternal green;
> In cold December fragrant chaplets blow,
> And heavy harvests nod beneath the snow.

Yet we may be struck here with the same thing which I noticed in speaking of *Windsor Forest*—a tendency to dwell on the mere obvious externals of description. He takes no note of deeper offences against the truth of nature, as he had shown no deep sense of that truth in his own practice. Glittering hills and green valleys in their right places are what he praises; glittering hills and green valleys in their wrong places are what he blames.

But, however strong the admiration with which we may regard the *Dunciad,* heavy deductions remain to be made. Pope himself spoiled it, by the confession of all, when, to gratify the pitiful spleen of his latest years, he changed the hero from a dull plodding scribbler to a lively caterer for the popular taste; retaining, nevertheless, as he could hardly avoid retaining, most of the accessories of the original poem. Individual passages are made more brilliant—indeed, how could a fresh touch from Pope fail to communicate fresh brilliancy?—but the intellectual consistency of the poem, so far as it depends on its central figure, is gone. Nor was the previous addition of a Fourth Book—the *New Dunciad,* as it was at first called—a happy thought. The arrow was aimed too high, and so, though, like that of Acestes in Virgil, it displayed the art of the veteran and his sounding bow, it struck no mark. The splendid passage which once contained its anticipation, and now forms its conclusion—that passage which Pope himself could not repeat without a faltering in the voice, which Johnson recited with a kindred emotion, and which, in Mr. Thackeray's judgment, shows the author to be the equal of all poets of all times—is, I venture to think, incommensurate with its subject. An artist may describe the corruption of art: to speak adequately of the great twilight of the gods, when truth and wisdom shall be vanquished by falsehood and ignorance, requires an understanding that can comprehend, an imagination that can grasp, the several branches of knowledge. The general

part of the description is, perhaps, worthy of the theme. The mythological image of Medea blighting the stars is grand; the sacred image of Chaos uncreating the universe is sublime. But the extinction of the individual luminaries is not pursued with uniform success. Physic, Metaphysic, and Mathematics perish as they might be expected to perish; but the lines in which Faith and Philosophy decay are inadequate; those in which Religion and Morality expire, almost trivial. Great as were Pope's peculiar powers, it was not for him to make his intellect the standard of measurement for the generation in which he lived. He had read widely, but to erect himself into an arbiter of learning, and affect to discriminate true knowledge from false, was the mere insanity of presumption, as one memorable instance shows. Bentley had wielded his Thor's hammer against an army of puny assailants; Pope hailed the defeated pigmies as his brethren, and placed the conquering giant among the dunces. Even in those cases where the poet was intellectually competent to award praise or censure, his private enmities often made him grossly unjust. Several of those who are held up to scorn as miserable poetasters, seem in reality to have been humbler fellow-labourers with himself in the work of giving strength and sweetness to English versification. Take, for instance, some of the lines which he has quoted in the preface to the poem as tributes to his merit extorted from his opponents. Lastly, where the intellectual demerits of the persons attacked appear to have been real, it is but very seldom that our moral feelings can go along with the inflictor of the chastisement. 'Its victims,' to borrow the words of Sir William Hamilton on another occasion, 'are treated like vermin; they are hunted without law, and exterminated without mercy.' They are lashed for their vices by one who, for his love of filthy and revolting images, as shown in this very poem, might well be called upon to strip his own back. The Roman satirist could speak feelingly of the poverty of his literary brethren, and lament the cruel ridicule which attended it; the English humourist gibbets it as a crime. Such inhuman, unpitying animosity cannot be justified, even on the plea of retaliation; and the plea of retaliation, though elaborately urged, seems not to have been always true. *This* is not 'heroic courage speaking, a splendid declaration of righteous wrath and war.'* It is rather an unblessed contest, undertaken in the spirit of Persian tyranny against those who would not propitiate the arrogance of one man, and waged partly with weapons of the keenest edge and finest temper, but partly also

* I quote Mr. Thackeray, who seems, however, to be speaking only of the conclusion of the poem.

with noisome implements of offence, and inventions of gratuitous barbarity.

X. *The Moral Epistles and Essay on Man.*

The ambition of being a philosopher was a feeling not unknown to the poets of Augustan Rome. It would be too much to say, with the 'learned and every way excellent' person who gave Dryden a life of Virgil, that the subject of his biography wrote poetry to get a fortune on which to live as a philosophical student; but many passages in Virgil's poems prove that he dabbled in physical speculations, and lead us to receive with attention, if not with implicit credence, the story that, after finally polishing his *Æneid*, he meant to devote the rest of his life to science. Propertius expressly holds out to himself the prospect of retiring after a youth of pleasure into an old age of study, to be passed in inquiring into the changes of the moon, the origin of wind and rain, the reason why the four seasons are no more than four, the probability of a final dissolution of the universe, and the truth of the legends about Tartarus. It is not probable that Pope thought of either of these parallels; but in his case, as in theirs, the same causes seem to have produced the same effects. Further prosecution of knowledge had led to a sharper division of the several sciences from each other, so that Pope's speculative interests are not as wide in their range as those of Propertius; they appear, however, to have included ethics, political philosophy, natural theology, and an inquiry into the limits of the human intellect. His *Brutus*, as we have seen, was to have been philosophical; his *Essay on Man*, like the *Excursion*, was but part of a cathedral that was never completed. It would have been better if he had taken pattern by the Augustan poet whom he knew best and imitated most successfully, confining his philosophy to practical observations on the conduct of life, and leaving more recondite inquiries without a sigh to any noble or reverend Iccius whom he might number among his friends. That he should have occupied his mind with such thoughts at times is not unnatural, and, in fact, highly commendable; that he should have digested them into verse is, on the whole, to be regretted. The former half of the first and most ambitious of the *Moral Essays* consists of remarks of no great depth, expressed in couplets such as those which form the staple of the *Essay on Criticism*, neatly rather than felicitously worded. The worldly observer, who despises book-philosophy, is told that his tendency may be pushed to an extreme, and apparently blamed as if he were apt to overlook the fact that men not only differ from each other, but are

inconsistent with themselves—certainly not the error into which a sage of this class might be expected to fall. We are then instructed that actions are no sure test of character, that the observer's prejudices often vitiate his judgment, that passion often overpowers reason, and so action is determined by chance; that some men are uniformly intelligible, others uniformly inscrutable, but that most completely baffle observation by their inconsistency, right actions sometimes arising from wrong feelings, and character being generally determined by education. The sum of all is, that there is nothing in which a man cannot change:—

> Manners with fortunes, humours turn with climes,
> Tenets with books, and principles with times.

But there is a way to educe Cosmos from this Chaos, and that is by finding out the ruling passion. This doctrine announced, Pope leaves an element for which he is not fitted, and passes into one which is all his own. He forgets his philosophy, does not prove his great principle, but takes it for granted, and proceeds to illustrate it with a series of brilliant and spirited sketches, known doubtless to every reader of poetry. As we see Dryden's *Zimri* revived in the elaborate portrait of Wharton, and smile and wonder at the skill which tells so well, though so briefly, the anecdotes of Helluo, Narcissa, the courtier, and Euclio, we are willing to forget that the epistle consists of anything else but such triumphs of dexterity as these. The remaining three essays are, happily, not constructed on so philosophical a basis. Pope's opinion of women must have been contemptuous indeed, if he thought he had given a really exhaustive analysis of the female character in the *Epistle to Martha Blount;* but, taken as a jest, his theory may pass, and its lightness is redeemed by the heavier metal of the lines on Atossa, and the four or five concluding paragraphs, some of the most delicate, wise, and feeling verses that Pope ever wrote, where he specially addresses the lady of his love. It is the same with the third epistle, on the *Use of Riches,* which Pope told Spence he had laboured as much as any of his works. To dilate on the extremes of avarice and prodigality requires a rhetorician rather than a philosopher; to exhibit them in the concrete is work for a humourist rather than for a dramatist. The humour of conceiving bribery to be carried on without a circulating medium perhaps wears out when protracted through seven illustrations; nor is there much to console or edify in the thought that hoarding and squandering are as much parts of the general balance of the universe as drought and rain, or the ebb and flow of the sea. But though

the truths which the pictures embody are not of the profoundest, the pictures themselves will not be willingly let die while the language lives—the Villiers, the Cutler, the Sir Balaam, and even the less delicate and more obvious delineation of the Man of Ross. Taste is a subject more congenial to an artist than the doctrines of morality, and accordingly, if there is not more to admire in the fourth epistle than in the rest, there is less to question. If it is a subject that has its limits, it must be owned that within those limits justice has been done to it. Whether Timon's mansion was intended for Canons, is a question unhappily of serious significance to the author's character; but it does not affect our sense of the variety, vividness, and energy of his poetry.

If we may trust a letter from Bolingbroke to Swift, the task of writing the *Essay on Man* was not only not sought spontaneously by Pope, but, when urged upon him, accepted with considerable reluctance. The applause with which the poem was received may have led him to think that his genius had been more truly estimated by his friend than by himself, and to entertain those further projects for the union of philosophy with poetry at which I have already glanced; but his natural instinct seems to have told him that he was unqualified for the undertaking. Brilliant in many respects as the result of the experiment has been, I cannot but think that his hesitation was right, and his compliance ill-judged. Bolingbroke was of opinion that the subject was one on which he and Pope might advantageously labour side by side, pursuing the same end by different means. 'The business of the philosopher,' he writes, 'is to dilate, if I may borrow this word from Tully, to press, to prove, to convince; and that of the poet to hint, to touch his subject with short and spirited strokes, to warm the affections, and to speak to the heart.' These words, though apparently just, are somewhat vague; but we may, I presume, interpret them in the light of the approbation which he gave to Pope's poem when written. Can it be said, however, that the *Essay on Man* is really what Bolingbroke seems to have wished it to be?—that it brings out the poetical or imaginative aspect of the subject, and discards the philosophical or argumentative? The work is cast into a form nearly resembling that of a prose treatise of the more rhetorical sort; appeals to the imagination and the feelings are introduced not sparingly; but the staple of the poem is argument, or what is intended to be such. Not far from the beginning we meet these lines:—

> Of systems possible, if 'tis confessed
> That wisdom infinite must form the best,

Where all must full, or not coherent be,
And all that rises, rise in due degree;
Then in the scale of reasoning life, 'tis plain,
There must be, somewhere, such a rank as man;
And all the question (wrangle e'er so long)
Is only this—if God has placed him wrong?

Johnson has shown that this passage is not good philosophy: it remains to ask, Is it good poetry? What is there in the language or the thought which gains from the metrical form into which they are thrown? The lines are somewhat bald, and the expression is far from clear. Pope did not generally condescend to the artificial inversion which places the adjective after the substantive. Here, in a passage where simplicity was an object, we have 'systems possible' followed by 'wisdom infinite'—combinations, too, which have the effect of producing a disagreeable monotony, occurring in the same part of the lines to which they respectively belong. Nor is it easy to collect from the mere words of the third line that Pope meant, as Warburton expresses it in his prose, 'that the best system cannot but be such a one as hath no inconnected void, such a one in which there is a perfect coherence and gradual subordination in the parts.' It would not be difficult to point out other passages which are not poetry, but simply argument in metre. Pope says himself, in the 'Design' prefixed to the poem:—

> I chose verse, and even rhyme, for two reasons. The one will appear obvious—that principles, maxims, or precepts so written both strike the reader more strongly at first, and are more easily retained by him afterwards; the other may seem odd, but it is true. I found I could express them more shortly this way than in prose itself; and nothing is more certain than that much of the force as well as grace of arguments or instructions depends on their conciseness.

In other words, he chose metre, not from any consideration of the fitness of the subject for poetry, but partly for his reader's convenience, partly for his own: he knew how much he could pack into a single line or couplet, and he knew that verse is useful as a *memoria technica*. And yet, with all this, he has not produced, I do not say a philosophical, but a strictly argumentative work. We are not carried on regularly from stage to stage of the discussion as we should be carried on by any prose treatise of merit, or as we are carried on by the powerful flow of versified reasoning, the combined logic and rhetoric of the *Religio Laici*. We stop to admire the neatness and terseness of particular lines, the vivid and harmonious language of particular paragraphs; but we do not at once see the connexion

of thought, though we are every now and then reminded that we have been making progress, and are expected to admit some new point on the strength of what has gone before. In fact, the sentences which I quoted just now from Pope's preface contain an involuntary confession. He busies himself chiefly with 'principles, precepts, or maxims,' not with consecutive reasoning. The effect on the reader is what might be anticipated. A multitude of isolated lines have imprinted themselves on the public memory, and form part of the public stock of quotation. But it may be doubted whether, of the thousands that have read the poem, there is one who could sit down without consulting it afresh, and give anything like a connected sketch of the argument.

It is a great mistake to imagine that thoughts which can be expressed with force and beauty in prose can be expressed with greater force and greater beauty in verse. On the contrary, it will often happen that a very perceptible loss is occasioned by the transference. Something will probably be omitted, either from the mechanical difficulty of bringing it into metrical shape or from deference to the dignity of poetry, and thus there will be a loss of perspicuity. Even where a conception has been safely transferred, it is likely to have sustained a further loss—a loss of propriety. The dignity of poetry may have been consulted, even to the sacrifice of clearness of expression, but it will probably not have been wholly propitiated. The conception, as it would be naturally worked out in prose, will doubtless present various features, some of a more, others of a less elevated character. The former may perhaps be improved by the embellishment of verse; the latter will certainly be injured. Prose is, in fact, the more plastic material of the two—capable of being better accommodated to the various gradations of thought and feeling. As an instance of what I mean, I will take leave to transcribe a fine passage from Shaftesbury, quoted in one of Warton's notes on the *Essay on Man*:—

> Imagine only some person entirely a stranger to navigation, and ignorant of the nature of the sea or waters, how great his astonishment would be when, finding himself on board some vessel anchoring at sea, remote from all land prospect, whilst it was yet a calm, he viewed the ponderous machine firm and motionless in the midst of the smooth ocean, and considered its foundations beneath, together with its cordage, mast, and sails above! How easily would he see the whole one regular structure, all things depending on one another, the uses of the rooms below, the lodgments, and the conveniences of men and stores! But being ignorant of the intent, or of all above, would he pronounce the masts and cordage to be use-

less and cumbersome, and for this reason condemn the frame and despise the architect? O my friend! let us not thus betray our ignorance, but consider where we are, and in what universe. Think of the many parts of the vast machine, in which we have so little insight, and of which it is impossible we should know the ends and uses, when, instead of seeing to the highest pendant, we see only some lower deck, and are in this dark case of flesh confined even to the hold and meanest station of the vessel.

Warton justly remarks that this is a noble and poetical illustration of many passages in Pope's essay. It seems to me that it is nobler and more poetical in its present form than it would be if turned, even as Pope would have turned it, into verse. The description contained in the first sentence would not have really gained much from being associated with a more measured cadence, a more regular recurrence of sounds. It would then have provoked comparison with other passages more truly imaginative; as it is, we have the feeling of poetry without the pretension. The second sentence would certainly have suffered. We might have retained the cordage, mast, and sails: we should inevitably have had to part with the uses of the rooms below, the lodgments, and the conveniences of men and stores, which would either have been slurred over in some general expression or exaggerated into something unseasonably picturesque. So on through the rest of the passage: in return for a slight increase of beauty in one or two of the parts, we should have sacrificed the propriety of the whole. Even if the thoughts and language were preserved nearly intact, the uniform elevation of the metre would be a misfortune. It would be raising the lower parts on stilts, in order to bring them to a level with the higher. Yet this imaginary case is precisely what we see realized in the *Essay on Man*, with all the adroit cleverness of its ordinary manner, all the sonorous grandeur of its occasional bursts of eloquence. Johnson says of the blank-verse poem of one of the subjects of his biographies, that he wishes it well enough to wish it were in rhyme. A well-wisher to Pope's essay would, I think, wish it were in prose. Perhaps one who has felt the power of Plato, and read the *Essay on Epitaphs*, might be tempted to wish the same for the *Excursion*.

XI. *The Imitations of Horace, &c.*

Pope's predilection for ethical poetry grew on him, as I have said, in his later life. In his last illness he compared himself to Socrates, dispensing his morality among his friends just as he was dying. His last compositions, however, were rather satiric than strictly ethical. But satire and ethics had

come to be associated in his mind as two aspects of the same thing. Even the ferocity of the *Dunciad* he wished to be regarded as virtuous indignation, the natural feeling of one whose life was a 'more endearing song' than his poetry, against scribblers, who had not only wounded his taste by their dulness and his just self-love by their unprovoked libels, but outraged his moral sense by the scandalousness of their lives. On the other hand, the exordium of the *Essay on Man*, with its sporting metaphors of 'shooting folly as it flies,' and 'catching the manners living as they rise,' and its proposal to 'laugh where we must,' and 'be candid where we can,' promises us satire as well as ethics. Again, in the *New Dunciad*, the last substantive work which he seems to have written, he uses up materials which had been intended to appear in a new series of *Moral Epistles*. His *Imitations of Horace*, of which it now remains to speak, extend over several years, a period partially coinciding with that during which the works mentioned in the preceding section were composed or published. Like the *Essay on Man*, they were suggested to him by Bolingbroke, and the suggestion was this time an eminently fortunate one. The thought of pointing an ancient satire with modern applications had occurred to others. Rochester had made Dryden the hero of an experiment of this sort; Dryden, while stigmatizing* those who, as he says, persecute Horace 'by their ignorant and vile imitations of him, by making an unjust use of his authority and turning his artillery against his friends,' himself went a step further, introducing his enemy Shadwell into what professed to be a translation of *Juvenal;* and his own name, along with that of Roscommon, takes the place of Orpheus in a version of the Eighth Eclogue by his ally Dr. Chetwood.† But Pope's imitations, it is needless to say, are so excellent of their kind as to obscure all previous attempts, and constitute, as it were, a class by themselves. As in the translation of Homer, he has the advantage of being able to superadd his own terseness and brilliancy to Horace's sense, while he can afford to allow himself more freedom, and keep with safety at a greater distance from an original whose genius and literary position were in many respects nearly akin to his own. Johnson, perhaps, thinking of his own *Juvenal*, and writing in one of those gloomy fits of self-depreciation of which we have a specimen in the opening of the celebrated preface to the *English Dictionary*, observes that 'such imitations' as Pope's 'cannot give pleasure to common readers: the man of learning may be

---

* Preface to *All for Love.*

† Published in vol. i. of the *Miscellany.*

sometimes surprised and delighted by an unexpected parallel; but the comparison requires knowledge of the original, which will likewise often detect strained applications.' Yet I am mistaken if a common reader may not enjoy these imitations nearly as much as any of Pope's more original satires—if they have not, in fact, yielded nearly as large a per-centage of familiar quotations; while those who read Horace certainly have the additional pleasure of seeing how dexterously the English poet pursues the track of the Latin, now striking out a happy translation, now an unexpected analogy, sometimes deviating from the way, but never losing it. We have none of those elaborate characters, in the delineation of which Pope shone so much; but there is the same power of touching contemporary events gracefully, the same nod of easy recognition for a passing friend, the same transient flush as an opponent crosses his path, while the texture of the whole poem is generally stronger than what Pope cares to employ in his own occasional pieces. They are like a felicitous quotation, which is often worth more than an independent *bon mot*, having all its own wit and wisdom, and all the associations of the original passage besides. The one point in which Pope differs most markedly from Horace is his versification. It has been said * that the Roman poet wilfully untuned his harp when he commenced satirist; Pope, without attempting to import into satire the sonorous cadence of the epic, polishes and points the lines which are to reproduce Horace as scrupulously as those which are to render Homer. It is what Roman satire would have been had it accepted the regulating mechanism of the elegiac couplet—an epigram, as one of the writers in the Greek anthology expresses it, prolonged into a rhapsody. Each form has its advantage for what is, in fact, an embodiment of sparkling social talk, witty and wise—the loose fireside robe as well as the trim evening dress—and we need not adjust their claims to preference.

The *Epistle to Arbuthnot*, which comes under notice here from having been finally made the Prologue of the *Satires*, is justly characterized by Johnson as 'a performance consisting of many fragments wrought into one design, which, by this union of scattered beauties, contains more striking paragraphs than could probably have been brought together into an occasional work.' This plan of utilizing pieces formerly written was a favourite one with Pope, and throws some light on his theory of composition, accounting for the want of connexion

* The expression is quoted by Scott—*Life of Dryden*, p. 239 (ed. 1834)—but I do not know where it is to be met with.

which I have noticed in the *Essay on Man*, and for what, I think, may be observed in some of his other poems, the superiority of parts to the whole. Thus in the Prologue there are plain marks of joining—signs that the poem was written up to some of the fine passages which form its glory. It would read, for instance, equally well as a whole if the unrivalled character of Atticus were omitted. We can see indeed that the name of Addison in the previous line was intended to prepare us for it; still, it breaks in some measure the continuity of the satire, which had been treating of scribblers before, and (not very consistently with the emphatic 'Peace to all such!') goes on to treat of them afterwards. It is easy to see, too, that though the mention of the supposed injury done by Addison to Pope naturally forms a part of this apologetic autobiography, it would have been differently and more clearly indicated if Pope had not had the portrait already finished and lying by him, and had not felt, justly enough, that such brilliant and vigorous drawing might be spoilt by any touch which could be regarded as an alteration. The picture of Bufo has every appearance of being a separate sketch of the same kind. It has no real relation to the context, as Pope does not speak of himself as aggrieved by Bufo, but only affects to contrast him with himself; while the fact that Pope had some kind of grudge against Halifax only makes it less likely that the grudge should not have been hinted at if these lines had been actually written for the occasion. I may add, too, that this view of their insertion will meet the objections to identifying Bufo with Halifax, which have been found in the fact that Halifax had been dead nineteen years when the satire was published, and in the honourable mention which Halifax receives in the Epilogue to the *Satires* four years later. The lines on Bufo, like the lines on Atticus, were doubtless in the poet's desk;—the feeling which prompted the one, like that which prompted the other, had doubtless cooled to a great extent, but the lines themselves were not to be lost; while after their publication the satirist was at liberty to say a good word for Halifax, as he has said a good word for Addison. But whatever skill has been shown in the framing or hanging of the pictures, this Prologue or Epistle must be always regarded as a splendid gallery; though we may question whether the likenesses are not idealized throughout, by self-flattery where he talks of his own life, as by animosity where his subject is Atticus, Bufo, or Sporus. The Epilogue is not equal to the Prologue. The satire is transient, not concentrated; and the grand passage about the triumph of Vice—'perhaps the noblest,' according to Warton, 'in all his works, without

any exception whatever'—is, I think, one of those where Pope does not rise to the full height of his subject. An allegorical picture might doubtless be founded on the hints there given; but the attitude of most of the figures, and the expression of their features, would have to be the painter's own; and the conception which is most carefully elaborated, that of England's genius dragged at the chariot-wheels of the victorious power of evil, would be but too susceptible of a commonplace rendering.

But it is time to conclude a task which it is perhaps presumptuous to have undertaken. I should be glad to think that what has been here attempted insufficiently would be adequately performed by some other writer. Pope's poetry has hardly received yet the careful critical examination which it deserves. The last century, indeed, can boast of Johnson's masterly critique, and the more elaborate, though less penetrating, survey by Warton. But I am not aware of anything in our own day which meets the requirements of the subject. At one time it was made a battle-field for rival poets—Bowles, Campbell, and Byron—to fight out their contending theories; but no poet has done for Pope what Scott has done for Dryden, producing a biography which is a real contribution to the history of English poetry. Parts of his works have been examined effectively by Professor Wilson and Mr. de Quincey; but there is no single judgment of his various writings worthy of being named with those articles on Dryden with which the *Edinburgh Review* has been successively enriched by two of its most distinguished contributors.* But the union of great knowledge of literary history with great power of poetical criticism is rare; where those qualities exist together there are other fields to invite them; and it is possible that we may have to wait some time before our literature receives the desired accession.

J. C.

---

* Vols. xiii. and xlvii. There are some valuable remarks in a third article on Dryden in the volume for 1855. The article on Pope, in vol. xxxii. of the *Quarterly Review*, contains some just criticism.

THE THEORIES OF PARLIAMENTARY REFORM.

IT seems probable that one of the principal subjects of public discussion possibly for many years to come, will be the reform of the representation. The present state of public opinion is certainly more favourable to such inquiries than that of any previous period. Delusions on all sides have been cleared away; the battle-field of the contending parties is narrower; strongholds of argument have been abandoned, on either hand, which were once deemed impregnable. On the one hand, the claim to a property in close boroughs has become impossible; and anything like an assertion of class privileges would be hooted down by the spirit of the age. On the other side—thanks to the increase of historical knowledge—reforming orators have ceased to appeal to the 'ancient constitution of the House of Commons' as a popular model; and for many years we have heard no more of the inalienable rights of free-born Britons. The rights of caste and the rights of man have been alike consigned to a blessed oblivion. Indeed, the tacit unanimity with which this generation has laid aside the ingenious network of political first principles which the industry of three centuries of theorists had woven, is one of the most remarkable phenomena in the progress of thought. In politics, at least, the old antithesis of principle and expediency is absolutely forgotten: expediency is the only principle to which sincere allegiance is paid. It is true that men often appeal to what they call principles, because it is a traditional habit to do so, and it saves the necessity of thinking; and, moreover, the word, from its frequent use in reference to religion, has a kind of religious flavour about it, and seems to give a dim, shadowy hint of a claim to some superhuman sanction. But no one acts on them, or reasons from them. It is convenient still to employ, for instance, the great party names, and still to

appeal to Conservative and Liberal principles; but their perfect vagueness has become a proverb. The Conservative professes that 'he is opposed to all unnecessary changes, but will not resist those that are really beneficial.' The Liberal, on the other hand, 'while he is far from promoting violent or ill-considered changes, will always be the consistent advocate of progressive measures'—which comes very much to the same thing. It is not that there is not a real difference between a Conservative and a Liberal; but it is not a difference of principles, but a difference of bias. The Conservative has a prepossession against change; the Liberal has a prepossession in its favour. But if you ask them to formulate their 'principles,' each will lay down a proposition which is the mere converse of the other. The same fate has overtaken 'constitutional principles,' and all other first principles whatever, except those which belong purely to religion. 'First principles' once were living springs of action—solid starting-points of thought; now they take rank among the many fictions from which all vitality has disappeared, and which only serve, like fossils, to chronicle systems that have passed away. The only principle upon which, in the present day, any thinking politician really acts, is 'the greatest happiness of the greatest number.' And therefore, in any discussion upon Reform, this is the only question which it is really worth while to entertain. 'Antiquity'—precedent—the spirit of the Constitution—the rights of the people—will be plentifully appealed to on both sides in the progress of the debate. But they are mere figures of speech—they will not influence the nation's course. I do not enter upon the question whether this temper of thought is a gratifying or a lamentable one; but I do not think its existence can be denied. There is, however, one consideration to which even more than its due logical weight will probably be attached; and that is, the English dislike of disturbing the *status in quo;* and the recollection of this probability should determine the form of any discussion on the subject. Under any circumstances, change is abstractedly an evil, and the onus of showing the advantages of any particular change must lie on those who advocate it; but in advocating any change in English institutions the onus is practically much heavier. The most practical way, therefore, of considering the question of Reform will be to consider in detail the theories and arguments of those who call for it, in order to ascertain whether they have a *primâ facie* case for legislation.

There are many persons calling for Reform; but they are far from having the same object in view, or attaching the same

signification to the word. Each man has his own idea of the abuse which ought to be rectified, and of the only remedy which will be adequate to meet it. For the purposes of argument, however, it will be sufficient to class the Reformers under three heads:—1. The Educational Reformers; or those who seek to give a preponderance to intellect: 2. The Democratic Reformers; or those who seek to give a preponderance to numbers: and 3. The Symmetrical Reformers; or those who do not wish to give any particular preponderance to any single class, but whose sense of order is shocked by the 'anomalies' which exist in the Representation.

The Educational Reformers may be dismissed very briefly. They are students of politics more than politicians, and their schemes, though founded on truth, are too hard of execution to find favour with a popular Government. They have the advantage of a truism for the basis of their reasoning, when they urge that Government should be in the hands of the wisest. But the old difficulty pursues them—'how are the wisest to be selected?' It is easy to say that intellect should be represented in the House of Commons; but how is intellect to be ascertained? Public examination is warranted to do many things. It is supposed to be capable of discovering, not only retentive memories, but such qualities as honesty, business habits, powers of administration, knowledge of the world; but few people, out of China, have ever thought of employing it for the choice, immediately or secondarily, of a legislative body. We must have recourse, therefore, to some more circuitous test. The professions have been suggested as a criterion; and the proposal seems plausible at first sight, for no man would think of betaking himself to some at least of the professions unless he had intellect and education enough to give him a chance of success. But the scheme breaks down when you come to examine its details. An electoral qualification is a mockery, unless it be impossible, or at least difficult, for contending parties artificially to create them in any large quantities. And this would apply with especial stringency to a professional constituency, because it would be a very limited constituency, and a very small proportion of fagot votes would materially bias its decision. Now, in the cases of the clerical and medical professions, the danger of fagot votes would be almost an insuperable difficulty. If the constituency could be confined to the Episcopal communions, or to the Presbyterian Church in Scotland, the difficulty in the case of the clergy would disappear; for the mode of ordination in all those bodies is recognised by the State, and ascertainable in a court of law. But any attempt so to confine it would safely

land the Intellectual Reform Bill in the religious difficulty—the Goodwin Sands of legislative projects. But suppose that the Bill boldly included Dissenting ministers in the new constituencies. It would be only shifting the burden from the back of the House of Commons to the back of the revising barrister. What test would he have to determine who was or who was not a minister of the Primitive Methodists, the Bible Christians, or the Latter-day Saints? In the larger sects some sort of security might be afforded for the *bona fides* of an elector's ministrations, by the existence of a formula of ordination prescribed by a governing body; though even in this case a schism, such as those that have more than once occurred in the Wesleyan body, would open a perennial fountain of perplexity. But in the case of the many fragmentary sects, whose existence is attested by Mr. Horace Mann's Report, there would be absolutely no security at all; and it is obvious that, under cover of our religious differences, unscrupulous partisans might easily swamp the register with manufactured votes, and set the acumen of the revising barrister at defiance. All that has been said of the clergy will apply with equal force to the medical profession. The *odium theologium* has an ample counterpart in the cognate science; 'sectarianism' is nearly as great a difficulty to the legislator in medicine as in religion. The Homœopathists, Hydropathists, and Morisonians stand in much the same relation to the College of Physicians as that in which the Dissenters stand to the Established Church; and their relative positions offer precisely the same difficulties. It is only to the Bar that these objections do not apply; since in this profession the body recognised by the State has an absolute monopoly of practice. But a professional franchise, which excluded the clergy and the medical profession, would hardly answer the expectations raised by its name; and would in effect reduce itself to the proposition of giving representatives to the Inns of Court, which was made by Lord John Russell in 1854. It is to be presumed that in any proposal that is likely to be made, a professional franchise would be limited to these three professions. By the nature of the case, it would be a perfectly useless gift to the diplomatists. There have been advocates for the inclusion of army and navy officers in the new intellectual or educational constituencies; but the minuteness of the connexion between intellectual merit and advancement, in the early stages at least, of those services, is so well known, that such a proposal is never likely to meet with any general support. It is hardly necessary to dwell upon the still deeper objection which the number of persons *excluded* raises to any scheme limiting the

intellectual or educational constituencies to the professions. The professions may be highly intellectual, but they do not contain a tithe of the intellect of the country. To entrust to them the office of representing it would neither do justice to it, nor be fair to the far greater number whose claim to such a privilege is equally good.

Impracticable as this proposal is, it is impossible to dismiss it without regret. It is a step in the direction of a system which departs widely indeed from our own, but which, if it were practicable, would be the very Utopia of representation. It seeks to represent men, not places: the classes and interests into which mankind are divided, not merely the bits of soil on which they dwell. Regarded from the point of view of those who insist on a logical justification in favour of every institution which they suffer to remain, nothing can be more rude or more irrational than a geographical representation; for, in respect to far the greater number of localities, there is no distinction between the interests of separate places to support the distinct representation. This, however, is only an objection on the score of symmetry, and therefore of no real importance. But there is a demerit most practical in its nature, which belongs to geographical constituencies, and which deserves to be more seriously considered; and that is the enormous power which it gives to interested classes to oppose legislation which they imagine will prove injurious to themselves. The popular idea is, that class representation would produce class legislation. The truth is exactly the reverse. The idea seems to be that by distributing a class in fragmentary portions among a number of constituencies you neutralize its power, and make it harmless by dilution; just as has been sometimes done with a mutinous regiment. But, in point of fact, it is this very distribution which gives it such an enormous power of obstruction. Few members in these days hold their seats with such certainty as to be able to disregard the wishes of any tolerably influential section of their constituents. The section may be a small one, but it may be strong enough to turn a close election; and therefore its behests must be obeyed. A small section thus wields the power of the whole constituency; much in the way in which, some six or seven years ago, the Irish members tried to wield the power of the English Government. No one can have watched the utter impotence of Parliament to raise its hand against the attorneys or the licensed victuallers, or the extreme difficulty with which even so small a body as the ecclesiastical lawyers have been dealt with, without perceiving how effectively these tactics operate. Now, if any such class had a number of members proportioned to its importance

wholly given over to it, and were debarred from any other suffrage, their power in the House of Commons would be limited to that number of members. Whereas, now they command, or at least greatly influence, the vote of every member, of whose constituency some of them form a part; and from this position it is impossible to dislodge them, until some popular ferment arouses the inert mass of the electors to overbear the active and interested few. The result is, that legislation in matters where these classes are concerned, can only advance by a series of jerks: it lies in a chronic state of prostration with an intermittent fever of Reform. Now, this is a state of things which can be satisfactory to no shade of politicians, to whatever party they may belong. If this power of obstruction, which depends, not on any real difficulty in the questions at issue, but merely on the apathy of the nation and the alertness of the interested class, really checked in the long run the progress of change, there would be many statesmen who would be loth to interfere with it. There is a great deal to be said in the abstract for the opinion that, though inaction is bad, recklessness is worse; and the golden mean between the two is so rare that it is more prudent to take the safest alternative, and to be content with the *status in quo*. But experience shows that this wise timidity has long become impossible in England. Changes that are really wholesome are only made noxious by being put off. The stream is not arrested—it is only dammed into a flood. The only excuse for repeating commonplaces now so trite is, that the same old story is being again and again re-enacted before our eyes. Changes neither organic, nor seriously contested by any disinterested person, are advocated, assented to, year after year; and year after year are got rid of by the secret machinery of obstruction. A number of such intended changes, all in a chronic state of temporary postponement, at last accumulate; and the farce becomes so ridiculous that energetic men turn away in disgust from a hopeless struggle with an inert resistance, and seek for aid from without to bring it to a close. They attempt to raise a popular excitement, and perhaps they succeed in doing so; and then the remedy is worse than the disease. Once handed over to the tender mercies of a popular hurricane, it is fortunate if the institution or privilege operated upon escapes entire annihilation. And this necessity for having recourse to the dangerous expedient of popular pressure, in order to forward the necessary business of legislation, is in a great measure due to the vantage ground which is conceded to the principle of obstruction by a system of geographical constituencies.

The Democratic Reformers, who are the next class, are, at all

events, not open to the objection that they are mere students and not practical politicians, or that their doctrines rest on an admitted truism. But they are much more likely to influence the policy of Parliament; for, in asking for a lower and more democratic suffrage, they appeal to the personal interest of the masses, and therefore command a numerous following. They are too confident of their power to affect argument very much; in fact, their ordinary style of persuasion is somewhat in this strain:—'The people are bent upon having reform; you may stave it off for this year, or the next, by one device or another, but the will of the people will be carried out sooner or later; and you had better submit to it at once with as good a grace as you can.' This argument, in one form or another, is the substance of most of what is said and written on the democratic side of the controversy, and is evidently the argument which is most relied upon to make an impression on the enemy. Not a notion ever seems to cross the minds of those who use it, that it involves a principle which, if it were carried out, would be absolutely fatal to all government, or that the use of it implies the deepest contempt for the honesty and courage of their opponents. The principle involved is this, that it is the duty of an English minister, or legislator, to legislate in exact obedience to every popular demand. Now, it is perfectly true that there are a great number of measures whose salutary operation depends entirely on the perfect concurrence of those on whom they are to operate. Instances of this class of measures occur every session, especially in matters affecting the moral and intellectual condition of the people. The course that was taken on the Sunday Beer Bill is one of the most notable recent instances. On the other hand, it is equally true that there are rare conjunctures in the history of a nation, when discontent and excitement have risen to such a height that the soundest institutions will not bear the strain, and the evils of conceding even the most ill-judged measures become less than the evils of resistance. The late Duke of Wellington was of opinion that such a case had arisen in 1829, in respect to Roman Catholic Emancipation; and he passed it contrary to his avowed convictions. But between these two extremes there lie a very large class of measures, which are fraught either with great benefit or with great peril, and yet on whose fate no civil war is likely to depend. They are the measures which try men's honesty and courage; for the course of wisdom in regard to them lies not unfrequently in an opposite direction to that dictated by the popular clamour. To this class it will hardly be denied that a Reform Bill, at the

present time, belongs. The object of all the constitutions that have been, since the world began, has been that, in respect of such measures, the popular will should not be blindly followed; but that the calmer wisdom of a few educated men, selected in a great variety of ways, should intervene between the violent and ignorant impulses which often sway the masses and actual legislation. But if this calmer wisdom is never to operate—if 'the people will it' is to be a conclusive argument—all the costly and toilsome machinery of legislation becomes a superfluous luxury. And it is not a fiction like those which concern the Royal power, and which are innocent because they are notorious, but it is one which the actors in it struggle stoutly to conceal. It really does leave the public in doubt as to the real depositaries of power. It shifts the responsibility from the shoulders of those who do rule to the shoulders of those who do not. The journalist and the platform-orator, who, if such a theory be really true, are the actual rulers of the country, feel none of the responsibilities of power, because their power is unavowed and indirect. They trust to the authorities above them to temper proposals which may be hasty, and to supply any counterpoises that may be needed; while the authorities above them are only waiting to choose their course, in accordance with the exact direction of the kick which they may receive from below. But in England this contradiction between theory and practice—a Parliament that professes to rule, but, in truth, only indexes the pressure from without—is peculiarly pernicious. By the practice of the Constitution it necessitates dishonesty. If a Minister were to come down to Parliament on the occasion of every important measure in respect to which his convictions were at issue with the popular voice, and to say, 'I believe this measure which I am going to recommend to you to be madness, but I bow to the opinion out of doors, and entreat you to do the same, and to pass it,' he would at least be honest; and so would a member at the hustings if he were to say, 'I abominate the Ballot, and I do not object to Maynooth; but, in deference to your wishes, I will, if you select me, vote contrary to my convictions;' but, with a few rare exceptions, they never do so. The Minister knows that he would be called on to stand aside, and to allow those who really believed in the popular policy to carry it out. The candidate knows that no electors would care to send a mere hireling voter to represent their honest convictions in the House of Commons. So Minister and candidate, if, in an important matter, they do yield to pressure, have no choice but to be dishonest. The Minister is not ashamed to use all

his powers of argument in support of the bill which he has been forced, against his will, to introduce; and the candidate argues in a tone of honest independence in behalf of the nauseous pledges he was made, and will be made again to swallow at the hustings. And this degrading dishonesty —which, everybody knows, is very far from being an ideal state of things—is the direct and necessary result of the maxims propounded by so many honourable men, touching 'the wisdom of bowing to the people's will, and conforming to the spirit of the age.' And so distorted is the prevalent morality on this point, that those statesmen, living or dead, are upheld as the most patriotic who have 'yielded their own predilections to the nation's will;' that is, who have come forward to argue in favour of measures in which they do not believe, and which they only adopted in order to conciliate popular goodwill. It is strange that such homage should be paid to what, in every other matter, would be denounced as fraud. Perhaps it is that the agitators and writers who, by their influence on opinion, possess the substance of power, do not care to reprobate the system which secures it to them, or to expose the pliant puppets who act with so much gravity the pageant of independent statesmanship.

When the Democratic Reformers are forced from the haughty position in which they rely on the *sic volo* of the people, the arguments to which they have recourse are various enough. As generally happens, those which are employed the most frequently, and which exercise the widest influence, scarcely deserve the name of arguments, while those which really appeal to facts and pay some regard to logic, are almost put aside. No reasoning, no statistics have exercised half as much influence in making converts to the present necessity of Reform as the supposed connexion between Reform and Liberal principles. Liberals have always advocated Reform, and therefore Liberals must advocate it still. They and their predecessors have always travelled in one direction, and in that direction they will continue to travel. Whether the road is, as heretofore, tolerably safe, or whether it is leading them into a morass, these reasoners stop not to inquire. The extent to which this delusion has penetrated is evidenced by the fact that even so liberal an organ as the *Edinburgh Review* openly laments it. A refutation of such a cry would be a waste of words. Even those who admit to the fullest extent all the benefits that are claimed for bygone Liberal victories, must see that a stereotyped policy is as alien to this varying world as stereotyped institutions.

Another very favourite argument for an extension of the

suffrage has been found, during the last two or three years, in the expectation that it would put a stop to the system of favouritism in the exercise of patronage which paralyses the efficiency of the public service. That such favouritism should exist is very much to be lamented, and no effort should be spared to root it out. But the remedy ought to have some sort of relation to the disease. How will favouritism be arrested by the transfer of power from one class to another? The causes of it are, the human frailty which makes men prefer the well-doing of their relatives to the public weal, joined to the necessity—it may almost be said—under which the Minister of a Representative Government lies, of bartering patronage for votes. Are men more pure from these frailties in proportion as they descend in the grade of society? Would the selection of our rulers from the poorer instead of the wealthier section of the population, secure us a distribution of patronage on the score of merit alone? I imagine that a very slight acquaintance with parochial affairs would convince a fair inquirer that a preference for the interests of their friends whom they do know, over those of the public whom they do not know, is not confined to aristocrats. It is, however, undoubtedly true, that if corrupt appointments are to continue to exist, it is not fair that they should exist for the benefit of any single class, and that the poorer classes would certainly share in their fruits, if a large transfer of political power was made to them. Perhaps this is the view taken by the Administrative Reformers; and the real definition of Administrative Reform is a fairer distribution of the spoils of corruption: and in that case they certainly are right in pressing for an extension of the suffrage. But, otherwise, the connexion in their minds between the two is utterly mysterious. It can only be classed among the baneful delusions with respect to Reform which used to prevail thirty years ago, when so many of the working classes were led to look upon it as a panacea for commercial, manufacturing, and agricultural distress, and every other conceivable evil to which the body politic is liable.

But by far the strongest argument employed on this side lies in the maxim that representation involves taxation. The poor man pays taxes as well as the rich. He does not pay them in the direct form of income-tax or succession duty, but in the enhanced price of tea, sugar, beer, and spirits. Every shareholder takes part in the management of his railway, every rate-payer has a voice in the vestry; why is not every tax-payer to be represented in the body to whom the taxes are entrusted? If it be a rule that taxes ought not to be

levied nor disbursed except by the representatives of the taxed—a rule which the Americans thought so sacred, that a breach of it seemed to them just cause for rebellion,—why is the poor man to be unrepresented, on whose scanty means a wasteful finance presses with such terrible effect?

Such is the argument: and assuming that representation and taxation ought to be co-extensives, and in practice are so in every other respect, the argument is unanswerable. Whether they *ought* to be co-extensive, is one of those disputes on first-principles which are rather a pastime for subtle intellects than fruitful of any practical result; but, as regards the practice of the British Constitution, it is easy to show that, apart from the case of the unenfranchised, they *are* not. Generalities are vague and hazy. Let us confine our attention to one particular section of the electorate of England, and see how, in that selected constituency, the existing system succeeds in making representation co-extensive with taxation—setting aside, as I have said, the case of those who are excluded from the franchise. Let the constituency be somewhere in the metropolis—say Finsbury or the Tower Hamlets. There is a great capitalist who possesses an enormous revenue—say of 200,000*l.* a year; and pays taxes in proportion. It would not be difficult, I apprehend, to append several names to this description. This capitalist possesses a single vote for each representative of his borough; he can possess no more: he is surrounded by twenty or five-and-twenty thousand ten-pound householders; any one of these possesses as much influence in the councils of the nation as he does; any two of them, though they be publicans not making 50*l.* a year between them, are more powerful than he is. Setting aside the measures which originate in our religious disputes, Parliament exists almost exclusively for the purpose of regulating taxation and guarding property, as any one may see by turning to the statute book of any single session. And yet 50*l.* may possess more influence in Parliament than 200,000*l.* It may be proposed to abolish Customs and Excise, and to exempt a large section of the smaller incomes from direct taxation: of course the capitalist would resist such an attempt to lay the burden of the national expenditure on himself and his wealthy fellows, but he would be outvoted and overborne by the grocer and the publican next door. Or it might happen that the country was cursed with a wasteful or a warlike Minister, and all the capitalists in the City might groan in concert over a commerce stifled by some punctilious quarrel, and their own enormous payments to the Exchequer squandered in costly armaments; but they would be outvoted and over-

borne by thousands of ten-pounders, who, with little to lose, whatever might chance, and few taxes to damp their vicarious courage, would merrily throw up their caps for 'a vigorous and energetic prosecution of the war.' And this superiority of two men with 50*l.* to one man with 200,000*l.* is not confined to any single category of wealth.

The landowner and the manufacturer, though disturbing causes to which I shall presently advert have secured to their wealth its due consideration in the Legislature, are, according to the theory of the Constitution, as much in the hands of the poor ten-pounders as the capitalist or the merchant. The poor voters are numerous, the rich voters are few; and the few voters are absolutely and entirely at the mercy of the many. On the other hand, a very large proportion of the taxes—it is impossible to tell how large—is levied from the rich. Therefore, as the theory stands, it is the poor man who levies the taxes and spends the taxes, while to the rich man is reserved only the privilege of paying. It is poverty that settles how property shall be bled. The State is a joint-stock company to all intents and purposes. It is the combination of a vast number of men for well-defined objects—the preservation of life and property. But it has this monstrous and unheard-of peculiarity, that it is a joint-stock company in which the shareholders vote, not by shares, but by heads. True, that every one has invested, so to speak, his life in the concern, and that the lives of all are equal; but, over and above this, every one has invested his property, and properties are not equal; and the legislation, to carry on which the votes are given, is almost entirely concerned with the security and rights of property. That the shareholders should vote by numbers, and not by their share in the concern, is a principle which any man of business would at once dismiss as iniquitous and absurd. No joint-stock company could adopt it without an absolute certainty of failure. And yet it is the principle on which the existing theory of the Constitution proposes to raise equitably a revenue of sixty-four millions, and to guard the property of the richest nation in the world.

It would not be difficult to devise a graduated suffrage, in which a man's importance as a voter should bear some sort of proportion to his importance as a citizen, instead of lifting him at one leap from political nonentity to the level of the millionaire, at the magic point of the 10*l.* house. If such a scheme were feasible, it would remedy the injustice of the present arrangement. But no one of any eminent position has ever advocated such a measure, and it may therefore be assumed that the practical difficulties which lie in its way have been

thought insuperable.* But the gross unfairness of the uniform suffrage is what makes the extension of it to the lower strata of society a matter of such grave importance, and in the eyes of those who oppose a Reform bill, a matter of such serious peril. Let the representation be really coextensive with the taxation, if that be possible. But while they remain so grossly disproportioned on the one side, there would be no sort of fairness in adjusting them on the other. The votes accorded to the rich, by the theory of the Constitution—what the practice is we shall consider presently—are, as it is, frightfully inadequate to the maintenance of the rights of property; but, in such a position of affairs, to double the votes on the side of the poor, would be only to aggravate the disproportion past repair. And the uniform suffrage has the further disadvantage, that it places the unenfranchised in this position, that they cannot ask for their just share in the representation: they must either ask for too much, or for nothing at all. It is common to talk of the extension as a slight thing, and to make a kind of appeal *ad misericordiam* to the existing electors, as though it was churlish to refuse your neighbour a share in the privileges you enjoyed yourself. And it is sometimes argued that a little more admixture of the industrial element would wholesomely leaven the governing body. But this tone of argument entirely misstates the case. It is not a question of admitting—as a recent manifesto proposed—'all the males of full age in the towns, and all 10*l.* householders in counties,' to a *share* in the government of the country. The word 'share' is entirely out of place; if they have anything, they must have it all: there is no middle point—such is the operation of the uniform suffrage—between exclusion and monopoly. If admitted, they are so numerous, that they would swamp at a single blow all the existing electors. We are apt to forget how the classes of society increase in numbers as you go down; how disproportionately the social pyramid widens at its base. Even the more moderate extension to 6*l.* householders, which was proposed in 1854, and which the genuine Reformers scarcely deigned to look at, would have doubled the constituency of Manchester, and quadrupled the occupancy constituency of Liverpool. Any extensive enlargement of the franchise is, therefore, no light constitutional

* The Legislature of Victoria have lately adopted the system of plurality of votes in combination with universal suffrage. The result of the experiment of course depends entirely on the proportion in which wealth is allowed to confer votes. But it is the only combination which is at once logically unassailable, and yet likely to work fairly in practice.

change, no question of admission to a 'share;' it is an entire and absolute transfer of power. It will be an overwhelming and irresistible reinforcement to the poorer class of voters, whose preponderance in the Constitution is already so enormous and so unjust. And if the uniform suffrage is adhered to, the wealthier classes will be more and more over-matched, the deeper the enfranchisement penetrates the strata of society. It is not pretended that any proposition which is now made is to be accepted as a final adjustment of the question. Reformers open before us a long vista of successive Reform bills, terminating at last in the promised land of Universal Manhood Suffrage. When that goal has been reached, the operation of the uniform suffrage—the one vote and no more to every man—will place the wealth of the capitalist and the landowner, the manufacturer and the merchant, within the grasp of the poor—the poor, whose industry is in England weighted with such a terrible debt, and whose wretchedness is too often keen enough to misguide the stoutest principles and the clearest reason.

There is still an argument for a wider suffrage, to which I have not hitherto adverted, because, though its force is deeply felt by many, it is scarcely ever openly employed; and that is, the argument derived from the moral effect of an extended suffrage on the loyalty and the contentment of the population. So far as it goes, and so far as it is not qualified by weightier considerations, I think that its truth must be unreservedly admitted. There can be no doubt of the greater contentment of a population—even of that part of it who are hostile to the policy of their rulers—if they feel that it is in their hands that the powers of Government ultimately reside. It seems absurd that each man should repose any confidence upon the microscopic influence which his own vote, in choosing a representative, may exert upon the nation's policy. Perhaps it is partly that his vanity is gratified by the thought that he is something in the national councils—partly that his jealousy is pacified by the fact that his neighbour is, at all events, not a bit more important than himself; but probably it is mainly because the suspicions are lulled which all men so readily entertain of the management of affairs from which they themselves are wholly shut out. But, whatever the cause may be, the effect is certain. That Government will always meet with the readiest submission which the masses think they have had the greatest share in selecting. Unfortunately they are not famous for making the wisest selections. The results of the appearance, and the results of the reality of popular power, unluckily, do not coincide. While the appearance secures contentment, the reality, if carried

too far, does not secure sagacity. So that it may be said that the best form of Government (setting aside the question of morality) is one where the masses have little power, and seem to have a great deal. That it is so, is no necessary disparagement to them. Mr. Carlyle's epigrammatic expression, that no machinery will grind a wise representative out of a constituency of fools, is of course an exaggeration, if generally applied to the existing state of things. But it *is* true that ignorant and impulsive men, preoccupied generally by some single exciting question, are not likely to choose sage and cautious rulers; and ignorance of State affairs is the necessity of their busy and leisureless condition, impulsiveness is the inseparable attribute of numbers. And there is a point where ignorance and recklessness in a legislature become graver evils than even popular discontent. This furnishes the limiting principle to the undoubted axiom that a popular suffrage makes a contented people. Supposing, of course, that property is sufficiently represented to insure due consideration to its rights, then, as long as the standard of representatives does not degenerate, the legislator cannot extend the suffrage too liberally or too far. But when this mark begins to fail, he is bound to hold his hand. The test is not hard to apply to the English representation. It is true that, partly owing to the difference in the county qualification, partly to more irregular causes, the present House of Commons does not at all represent the class of ten-pound voters; and it therefore furnishes no criterion of what are the real results of that franchise thoroughly carried out, still less of the probable results of any change. But there is a portion of the House of Commons which exhibits its action scarcely tempered by any disturbing influence whatever. The representatives of the metropolis—excluding the City, where there is a more varied franchise—may be accepted as perfect representatives of the mind of the ten-pound householders, or at least of such of them as choose to vote. They may fairly serve as an index to warn a prudent legislator, if his policy is becoming dangerous—a regulator to check the velocity of his progress when it becomes rash. Their intellectual position will indicate exactly the limit at which the advantages of liberality are crossed and neutralized by the dangers of deterioration. So long as the metropolitan representatives are favourable specimens of the national intellect and sagacity, the experiment may be safely continued; there is no fear that a lower suffrage will lower the character of the House of Commons. But such a measure is full of danger as soon as the indexes begin to point the other way.

The third class of Reformers hold a central position between the students who advocate the claims of intellect, and the agitators who are not afraid to intrust the Government to the uninstructed masses of the people. The symmetrical Reformers have no professed or necessary leanings towards democracy, though the result of their policy would tend in that direction. They only seek 'to rectify certain anomalies in the representation.' They are the representatives of a school of thought which has never been even listened to in England at any previous period in our history, but in the present age has become a considerable party. They are the children of Abbé Sieyes and the *doctrinaires:* their mania is to introduce the accuracy of a machine and the proportions of a geometrical figure into the institutions which are to secure the happiness and carry out the wishes of capricious, inconsistent, illogical mankind. Like all earnest believers in a one-sided theory, they are perfectly fearless as to results;—they would probably be willing to sail their ships and build their houses by *à priori* reasoning. Everything that is theoretically absurd, or ill-adjusted, or 'contrary to all sound principle' must be rooted up, no matter how long it has endured, or how well it has practically worked; and they have no fear in venturing on the hazardous, unknown future of institutions that have nothing but logic to guarantee them. That the rule of thumb is safer than the rule of science—that institutions which ought by every rule to fail, may be practically made to succeed by the common sense of those who work them—that the magic force of habit and traditional attachment will give to the rough contrivances of ruder times an ease, and an elasticity, and a practical efficiency which are denied to the newest masterpiece of the wisest schemer in Laputa—are ideas which they would consign to the limbo of mediæval superstitions with a complacent nineteenth-century sneer. Assuredly they have shown no common courage in undertaking to reconstruct on symmetrical principles the political organism of England. They have need of Herculean strength, for an Augæan stable of anomalies lies before them.

It is an old observation, that every one of our institutions, from the highest to the humblest, has not been created, but has grown. Each in its own sphere, and independently of every other, has hardened, first from casual contrivance into custom, and then from custom into law; and, in the absence of any single controlling mind, has developed and gathered strength without any fixed limit to its application, or any adjustment of its relations to its neighbours. Thus, first the Church and the aristocracy, and afterwards the popular power

grew up, independent and self-existent, side by side with the Crown; and thus the canon law, and the common law, and the powers of equity, each sprung up into independent jurisdiction without recognising the existence of the others: thus, tenants *in capite* became mighty feudatories; and, later on, military retainers became lessees, and squatting villeins strengthened into copyholders: and every corner of the kingdom teemed with peculiar rights and customs, often incompatible, but for the time, until they had found their mutual level, all bearing the force of law. Then came, in the history of each, sooner or later, the era of collision. That two supreme jurisdictions could not long exist with respect to the same subject-matter, was an eternal law, which soon found its expression in fact, and forced itself into notice. It was inevitable that one of the rivals should be subordinated to the other; but in almost every case the course taken was to seize the substance but to spare the shadow of power—to leave the name of independence while securing the reality of subordination. It is often a subject of perplexity to our contemporary critics abroad, how this spirit can have grown up, and imbedded itself in the character of the people, to the extent that it has done. In part, no doubt, the motive was policy and a dislike of conflict; it seemed wiser, on the one side, to throw a sop to the vanity which mostly makes men cling to power, than to fight for a mere name; on the other, to yield to the inevitable, rather than plunge into a war that should only end in the destruction of both. But in part it was also due to the lavish use of legal fiction, which had been forced upon the Church of Rome by her multiform practice and unchanging theory. The ecclesiastics, who in early times formed the majority of statesmen, were thoroughly trained, by the system of which they formed a part, to the idea of what we now call 'shams.'

But, however it arose, it soon became a national characteristic. The regular process was, that the co-ordinate powers should clash, should pass through a period of conflict, and then, that one should either take its place as an avowed subordinate, or, more commonly, should retain only the name of its former power. The contest between the courts of law ended in an avowed submission on the weaker side. The canon law has given way to the common law, the common law to the Court of Equity; and this latter has itself yielded to the stereotyping action of tradition, has lost its living use as a fountain of discretionary relief, and become a mere court of law. But more often the weaker power withered silently away, retaining still the outward pomp and circumstance of its old estate. How this operation has been illustrated in the case of the English Crown, is a matter of notoriety. The

House of Lords is another instance, though somewhat less glaring. The mighty Chancellor, the first lay subject of the Crown, and in former times the wielder of all its power, has yielded to the superior claims of finance, and has sunk into the Prime Minister's principal law-adviser. And so it has been with the feudal institutions: long before they were abolished, the military tenures had become, in effect, independent leaseholds, with a vexatious species of quit-rent; and copyholds are so still. The Church, which resisted the longest, has been bent the lowest. Her emancipation from Rome plunged her from a deep to a still deeper depth of legal fictions, for she bears all that have been imposed on her for State reasons in later times, in addition to those which she inherited from her unreformed condition.

The oaths still stand on the statute-book which were enacted to make Church conformity binding on all servants of the State. But numbers never did conform; and it was always hopeless to make them. Parliament is not inclined to commit itself to an abandonment of the old theory of an establishment, and is still less disposed to accept its practical results. Accordingly, it has not wholly repealed the law; but year by year, for more than a hundred years, it has given to those who have neglected so to qualify for their offices, a year of grace to do so. And year by year it gravely inserts the proviso, that nothing in that act contained shall make void any judgment pronounced, or penalty inflicted, on any person for neglecting to qualify, it being, of course, simply impossible that any man who has been the subject of such a penalty can be now alive. But it is within the precincts of the Church itself that the English taste for anomalies and shams luxuriates in its most startling forms. They have a peculiar effect from the perfect freedom with which the name of the Deity is used to give a completeness and a finish to the performance. The young gentleman who has been brought up from his earliest infancy to look to the family living as his livelihood, is solemnly asked by the Bishop whether he believes himself 'to be moved by the Holy Ghost to undertake the office and ministration' which is to introduce him to its revenues, and as solemnly answers that he does. With a like engaging simplicity, the Archbishop announces that he 'trusts the Holy Ghost hath called to the work' of a bishopric the gentleman whom it suits the political purposes of the Prime Minister of the day to appoint to a seat in the House of Lords. But the most shameless instance of this ecclesiastical profanity is, when the Dean summons his Chapter to elect a Bishop, and prays with solemn unction that the Deity will deign to assist their choice with His inspiration, when the result of that

choice has already been in the newspapers several days before. Nothing can show more strongly how deep-seated this taste for legal fictions is in the English mind, than that the nation should care to maintain, even at the expense of blasphemy, the semblance of an independence which is notoriously utterly crushed.

The utter want of symmetry which is the natural characteristic of a wild, irregular, neglected growth, shows itself in every part of the Constitution. The inferior judges are selected with the utmost care, and scrupulously removed from the influence of the Crown. The chief justices are selected for their prowess, not in law, but in political debate, and for their services to the Minister of the Crown. Of the higher courts of appeal, the judges in one—the judicial committee—are, or may be, selected in each case by the sovereign; while the other consists generally of political lawyers who have served their time—sometimes of the very judge from whom the appeal is made. The relation of the courts of law to the Houses of Parliament is so perfectly undefined, that neither owns the supremacy of the other, and both occasionally go to war by imprisoning each other's subordinates. Indeed, an eminent statesman has lately promised us that, in case the House of Lords continues to reject the Jew Bill, the edifying fray shall be renewed during the present year. But it would be endless to run through the whole string of anomalies which the slightest glance at the working of our polity discloses. The desperate chaos of the statute-book—the hopeless tangle of the relations between the Court of Chancery and its own offspring, the Court of Bankruptcy—the unjust limitation of local taxes to real property—the intricate jurisprudence which clogs the sale and therefore lowers the value of land,—all point with equal distinctness to the law, if law it can be called, which has governed the growth of our institutions. It is a law of lawlessness, a spirit antipathetic to forced regularity, a genius of untamed independence, which can work out its own well-being in its own free fashion, and will not endure to be caged in the scientific formulæ of abstract politicians. Taken one by one, many of these things seem foolish and indefensible—some of them even detestable. What is their defence? It is a defence which in this country is happily still worth any amount of argumentative triumph or successful invective. It is that, *as a whole*, they have worked well; that they have secured a greater amount of individual happiness than any set of institutions upon earth. In other words, the same spirit that has worked the evil has worked the cure. The self-reliance, the habit of mutual concession, the exclusive regard to practical ends, have, it is true, been patient of blun-

dering laws, but they have known how to elicit from them a result of happiness and order. And their success is a practical protest against the criticism—now so common—which would estimate our laws according to their symmetry, and view the British Constitution through the eyes of a Dutch gardener. Those who wish to lay it out in well-clipt paths and accurately drawn figures must be content to plough it up and lay it out anew; for it has not a vestige of a principle of regularity in its construction. And what is true of the whole is true of its parts. The criticism I have referred to is equally delusive in measuring the merits of the representative system. To say that that system is 'anomalous,' 'irregular,' 'absurdly disproportioned,' may not, indeed, be far wide of the truth; but it is, in effect, simply to say that it is of a piece with the British Constitution.

The considerations advanced above have not, of course, had for their object to deprecate any change whose practical advantage can be proved. It has rather been to protest against persons coming to the consideration of this or any other great organic question in English politics, with so bigoted an attachment to symmetry, as to amount practically to the proposition, though they would shrink from stating it in words, that 'irregularity is of itself a sufficient ground for legislative change.' But there is a more positive and obvious reason against permitting a taste for symmetry to influence us in dealing with the representation. The anomalies in it are not superficial blemishes which can be removed without injuring the strength and soundness of the whole. They are an integral part of it, and to remove them would be to change its nature. The representative system, after many vicissitudes, has settled itself down into an equipoise. To change or remove one part, anomalous or not, without readjusting the whole, would upset that equipoise.

The 'anomalies in the representation' against which the objections of the Symmetrical Reformers are almost exclusively aimed, are the smaller boroughs and the Chandos clause. Now, that these are anomalies, and very flagrant ones, it would be ludicrous to deny. Not only are the smaller boroughs invested with an importance utterly at variance with their real weight, but the entire absence of any principle to regulate the distribution of power extends right through the representation. It pays no consistent regard to population, or to intelligence, or to wealth. The smaller boroughs are only extreme instances of the general confusion. That an inhabitant of the obscure town of Thetford should in reality be the most powerful voter in England—that he should alone be more powerful than eighty-two Manchester voters, or eighty-four

Liverpool voters, or one hundred and twenty-nine Tower Hamlets voters—is, no doubt, very startling : but it is only an instance of what can be said, in a greater or less degree, with respect to almost every borough in the kingdom. The disproportion is universal and all-pervading. It is impossible to conceive anything more disheartening to the eye of a geometrical politician. It seems, and indeed is, a chaos without principle, and apparently without object, piled together during the lapse of ages by blind chance. It is a monument of the days when wealth was in the South of England, and desolation in the North—when a seaport near to the Continental coast gave the same kind of pre-eminence which is now given by the neighbourhood of a coal-field—when Shoreham was summoned to furnish more ships to the king's fleet than Newcastle or even London. As centuries have gone by, wealth, and with it population, have slowly migrated to the North; but the apportionment of the representation has not kept pace with the change. Of course this is an anomaly. It is theoretically quite indefensible that political power should be devised in mortmain—that the living generation should be ruled by the power that has mouldered and the pre-eminence which belonged to ages that have passed away. And it is, of course, clear enough that these decaying constituencies, as well as the Chandos clause, practically throw a great amount of political power into the hands of the wealthier classes. But it will not be hard to point to anomalies and changes in the other direction which are quite as glaring, and which, to say the least, fully rectify the balance. The most notable of these are of two kinds—those which affect the relative positions of counties and towns, and those which affect the relative position of the wealthy and the poor.

The representatives of the counties are 159; the representatives of the cities and boroughs are 339. It is notorious, and need hardly be repeated, that the importance which this disproportion gives to the towns is in startling contrast with the numerical inferiority of their population. But, whenever this argument has been used, the retort has always been ready, that the disproportion was a fair consequence of the difference of franchise, and that the constituencies were fairly represented, although the populations were not. It will be worth while to examine whether this allegation is borne out by the figures.* The county electors are 520,729 in number;

---

* The figures used are those which were prepared for Lord John Russell's Reform Bill in 1854.—*Parl. Pap.* 69.

the county members are 159. Consequently the proportion of members to voters is one to every 3275. The town electors are 430,311; the town members are 339. Consequently there is one town member to every 1263 voters. So that, even admitting the principle that representatives ought to be apportioned according to the numbers of the constituencies, and not according to the population, the proportion of a county voter's influence in political affairs to that of a town voter is as one to more than two and a half. In other words, two town voters have on the average a larger share in the government of the country than five county voters. It may give a better idea of the extent of the injustice which is thus committed towards the counties to add that, in order to rectify the disproportion, it would be necessary to take 113 members from the towns and give them to the counties. But a vague idea is sometimes entertained that towns are the centres of wealth, and therefore deserve to have a preponderance in the legislature, even though the rural districts may out-number them in actual voters. Any such notion will be best tested by reference to a return which was obtained by Mr. Disraeli during the session of last year, on the subject of the comparative value of the rateable property—the only property with which the franchise is concerned—in counties and represented towns. From that paper it appears that the rateable value of counties is 59,086,989*l.*, which gives one member as the representative of every 371,623*l.* The rateable value of represented towns is 34,588,866*l.*, giving one member to every 102,032*l.* Two pounds, therefore, in a town is better represented, on the average, than seven pounds in a county; and the number of members which, in order to rectify the disproportion in this point of view, it would be necessary to take from the towns and give to the counties, is 155.

But the political defencelessness to which property is reduced by the uniform suffrage is a far greater anomaly, and one that more than outweighs any advantage that property may derive from the irregularities of the franchise. Property is very unequally divided in this country: those who are in easy circumstances are comparatively few; those whose struggle for a livelihood is close and constant, are the large majority. Many legislative questions, but, above all, that of taxation, give frequent opportunities for one class to ease itself by the spoliation of the other. As the needy are ever the readiest for plunder, and the rich are the most tempting victims, it should have been the special care of the law to protect the rich from the inroads of the needy. Nor would such a protection be a reflection upon the poorer classes any more than the

institution of a police. The law has no right to leave open the path to crime, in the generous confidence that it will not be used. It is its business to presuppose that all human beings may be wicked, and to guard beforehand against the wrong that their wickedness may do. Therefore the Constitution, if it rightly performed its functions, should have guarded against the possibility of the poor making use of the powers of legislation to satisfy their own needs at the expense of the superfluities of the rich. Instead of taking this precaution, it has given to each of the many poor voters the same power as to each of the rich few, in a contest where victory is to the majority. The result is that, according to the theory of the Constitution, the rich are left absolutely and helplessly at the mercy of the poor. But it may be said that the uniform suffrage is coeval with Parliament itself; and if it is pregnant with such perils, it has been a long time in bringing them to the birth. The answer is, that it has not existed alone. The barons who set up the House of Commons never dreamt of its becoming the supreme power in the State. For many centuries it would have been curbed by the other two estates, even if its constitution had inclined it to democratic excess. Even after the power of the Crown had been broken at the Revolution, the House of Lords, a body mainly composed of large proprietors, retained an effective check up to the time of the Reform Bill. It was, however, impossible that the powers of the House of Lords should survive that memorable struggle. When once the fact was ascertained by experiment that any bill could be forced through the Lords at the will of the Commons by the simple threat of marching in new peers, the independence of the Upper House was destroyed for ever. It now enjoys a position very similar to that of the old Parliaments of Paris. In matters of detail its decisions are received with very great respect, from the fact that those decisions are independent, and not given, like the decisions of the House of Commons, under the ever-present terror of constituents. But in great organic questions it only possesses an indefinite power of protest, which may at any moment be set at nought by an enterprising Minister of the Crown. In truth, so thoroughly is this recognised, that the debates in the House of Lords seem generally to proceed on the assumption that there is a point beyond which the votes of the House of Commons cannot be safely disregarded. This state of things is painful enough to those who value the historical and theoretical position of the House of Lords; but it is a stubborn fact, which must be fairly faced when we

are thinking to readjust the construction of the House of Commons.

It is, however, in the anomalies of that construction, still more than in the power of the House of Lords, that property has, up to this moment, found its defence against the natural tendency of the uniform suffrage. The 'influence' which, in one way or another, possessors of property have been able to exercise over voters—in some few cases based on neighbourly attachment, but more generally resulting from actual dependence—has, from the time that the House of Commons emerged into importance until now, largely tinctured its constitution, and neutralized the mere representation of numbers. Before the Reform Bill this influence, in too many instances, took the form of mere buying and selling, the practical result of which was an enormous demoralization of the bought; and much of the political power which it secured to property was concentrated in the hands of one or two individuals, who were thus put in a position to dictate to the Government. Whatever else be said of the Reform Act, it certainly had the merit of checking the prevalence of these evils. But the influence in other forms, and more equably diffused among men of property, remains. A glance at Dod's *Electoral Facts,* which only indicates it in the most salient cases, will show how few constituencies there are which are perfectly free from its operation. Town populations of a large extent are undoubtedly the most independent, because in them the contact between the wealthy and the poor is less immediate; but probably the metropolitan constituencies are the only places where the real mind of the average ten-pound householder is expressed in the choice of representatives. But the backbone of this influence undoubtedly lies in the counties and the smaller boroughs. And the destruction of it in the counties by a ten-pound suffrage, in the smaller boroughs by simple disfranchisement, is the point on which the Symmetrical Reformers unite with the Democratic.

Now this 'influence' may not be by itself a very desirable thing. It sometimes bears hard on men of strong opinions, and turns them into sullen martyrs. Moreover, as the subjects of it are all the while treated as independent in the eye of the law, and in the decorously-guarded language of public men, it must take its rank among the foremost of English shams. But it must not be considered by itself; it must be considered along with the other anomalies whose operation it counteracts. It is the counterweight to that great and monstrous anomaly that the theory of the representation gives to wealth no security

whatever. It is better than its alternative—spoliation in the first political tempest that may arise. True, it is illegitimate, and so far hurtful; but it is one poison counteracting another: the irregular but necessary antidote to an iniquitous law. Those who hold property are compelled to resort to it in self-defence; for in an old country, where the pressure of poverty is constant and severe, the rich who are not strong will soon cease to be rich. If, therefore, the law is to be altered, let it be reconstructed altogether; if that is impossible, let the equipoise remain as it stands. To remove one anomaly and leave the other—to destroy the influence of the rich without cutting down the overwhelming numerical superiority of the poor—is to strip property of the single bulwark which secures it from the power of impoverished and uninstructed masses. Language has been held, as though another such bulwark might be found by the wealthy classes in the 'cultivation of social influences'—in other words, by assiduity in dinner-giving and visiting, in smirking and small-talk. The experience of America has shown that you cannot rely upon that unattractive species of industry in any large class of refined and educated men; and that they had rather face any political risks, in the hope that the existing state of things may possibly last their time, than endure to pass their existence in a lifelong canvass.

The present movement in favour of Reform is so gentle, that it is hard to decide whether it is a real current of popular feeling, or only one of those eddies on the surface which active politicians can always create at will. But if it be indeed the beginning of a popular movement, there seems to be a strange misconception on the part of its leaders as to the exact nature of the battle they are fighting. To judge by the language often used, one would imagine that they were striking down some dominant and oppressive caste analogous to the old French *noblesse*. If such be their object, they are fighting the air. The very semblance of aristocratic privilege—with the exception of the House of Lords, which is not now the object of attack—has passed away. Some peers are powerful, not because they are peers, but because they are rich, and rich in the most influential kind of property. But a poor peer is not more powerful than his neighbours. Indeed, the progress of events has left him stranded in a very pitiable condition. The practice of Parliament forbids him to interfere as a peer with the financial policy of the House of Commons in the slightest degree; and the orders of that House forbid him to take an elector's part in their decisions by voting at the elections. So that in reality the poorest

'pot-walloper' has more weight than a poor peer in the control of the public purse. This phantom of aristocratic privilege is only another proof of the tenacious vitality of party watch-words. Those who *are* preponderant in England—who are struggling to retain their preponderance, because it is a condition of their existence, and against whom therefore this movement is really directed—are the possessors of property. No doubt it is easy to see that there are many who are keen for democratic progress, but who would not raise a hand against the rights of property. Such men, gaining a temporary popularity by the abnegation of their class's rights, have ever been the heralds and main agents of great organic change. Their tone has always been one of indignant wonder that anybody can suspect their clients of making an interested use of supreme power; and so it is in the present day. They have what they flatter themselves is a generous confidence in the people of England; they will not believe that any attempts at spoliation will ever meet with general support. Public morality, they say, is too high, and the holders of property, great and small, form too influential a portion of the community for such a policy ever to be possible. This is true enough of avowed spoliation. A bald proposition to seize the property of Lord Overstone would probably be rejected by the most democratic assembly that could be got together, unless the country was in a state bordering on revolution. But there are measures which would effect the objects of spoliation without any such open defiance of morality. It is sufficient to mention one, the most powerful and the most simple—a graduated income-tax. Conceive a Parliament elected by manhood suffrage in the great towns, and a ten-pound suffrage in the counties; conceive that by the suppression of small constituencies its members represented this mob-suffrage as accurately as the metropolitan members represent the tradesman-suffrage of their boroughs; and conceive a ministry selected from men of that stamp of character and opinion. Would they scruple to impose an income-tax—it is even now called for—which should take a larger per-centage from the richest, and a lower per-centage as the scale went down? And as the needs of the public purse and the impatience of taxation increased, would not the weight be increased on the necks of the wealthy few who were not represented, rather than on those of the poorer many who were? Is there any conceivable limit to the extent to which, in times of excitement and pressure, a mob-Parliament might carry the process? Mr. Cobden professes an unlimited confidence in the judgment and wisdom of 'aggregate humanity.'

Unhappily, 'aggregates of humanity' are chargeable with half the crimes that redden the page of history, from the massacre of Melos to the Reign of Terror. Of course, a 'generous confidence' may believe anything. It may believe that if you lend a starving man a loaf, he will not eat it; or it may believe that a poverty-stricken class with the government in their hands will not use it to relieve themselves. Of course we cannot certainly *know* what the lowest classes of England would do if they were placed in power, for we have not tried. The experiment, unfortunately, is a nervous one to make, for if it fails it cannot be retraced. Political power that has descended from a higher class in society to a lower, is never yielded back except to a despot. But a specimen of what their leaders' views on the subject of property are, was given to the world a short time ago. A number of working men in London were suffering from having been thrown out of employ. A demagogue of some note assembled them to propose to them a project of relief; and his proposition was, simply and without any circumlocution, to seize the estates of some of the largest landowners, and to divide them among the sufferers. This is not reassuring as to what his conduct would be if he was Chancellor of the Exchequer under the new *régime*. As this gentleman is said to enjoy considerable popularity among the classes who would rule us if manhood suffrage were adopted, there is nothing chimerical in saying that a new Reform Bill would place the rights of property in issue. In truth, every indication which comes to the surface shows that the present unequal division of property is regarded with great jealousy by the multitudes who are almost or altogether excluded from a share; and it is not credible that there should be so much enthusiasm among certain sections for the Charter, especially in times of distress, unless they expected from it something more substantial than a mere political privilege. To give them political supremacy—or even to give them such a preponderance of power as shall enable them, by future Reform bills, to gain the rest—is to give them the means, which they will not fail to use, of satisfying these desires. It is needless to dwell on the stupendous magnitude of the interests which are thus imperilled, or of the danger of such agrarian efforts not only to the wealthy, but to all. Industry is the radiating centre of all social well-being; and industry thrives in precise proportion as property is secure. That the fruits of industry should be enjoyed in peace is the main object for which civilization exists.

The result, then, to which a review of the Reformer's arguments inevitably leads us, is that we must either change

enormously or not at all. It is undoubtedly to be desired that every anomaly should be removed at which hostile critics can laugh or cavil; still more that every person in the kingdom should have exactly his just share, and no more than his just share, in the government of the country. On the other hand, it is of vital importance that the Legislature should not be deteriorated, or the safety of property endangered. A system of representation might doubtless be devised in which all these objects should be regularly and exactly attained; but most statesmen will hesitate before they prefer a paper constitution to the time-hardened trusty machine whose working they have thoroughly tried. But to remove one evil without removing that which is its counterpoise, to withdraw one poison from the prescription without withdrawing the other which is its antidote, is the maddest course of all. Political justice to one side and not to the other, is worse than a set-off of injustice on both sides; political symmetry on a faulty plan is worse than chaos. Better far to reconstruct the whole; better still to let that which has worked well, work on. But, whichever course is taken, the condition in the representative system which it is our duty to maintain, even at the cost of any restriction or any anomaly, is that the intellectual *status* of the Legislature shall not be lowered, and that sufficient weight, direct or indirect, shall be given to property to secure it from the possibility of harm.

Feb. 1, 1858. R. G. C.

THE ANCIENT STOICS.

DOWN to the time of Aristotle, Greek philosophy may be said to have lived apart. It contained within itself a gradual progress and culmination of thought, but the great philosophers who were the authors of this progress moved on a level far above the ordinary modes of comprehension. After the death of Aristotle, a new spectacle is presented,—philosophy no longer an exclusive and esoteric property of the schools, but spreading its results over the world. Speculation has really now ceased, the desire of knowlédge purely for its own sake is gone. In the place of this we find other human needs pressing forward their claims. Perhaps we may best and most shortly express the change that at this period took place in the thought of mankind, by saying that the soul now, instead of the mind, sought for itself an explanation of the world. This change, of unspeakable importance, might be called the transition to modernism. Taking the Stoical doctrine as the most striking, the most earnest, and the most widely-spread exposition of the results of Grecian philosophy, we shall, if we study it attentively, find reason to assert that its authors, the early Stoics, were in some sense the beginners of the modern point of view. Fully to set this forth is not the work of a few sentences, but can only be accomplished by an examination of the law or idea of Stoicism, and by tracing this in its various phases throughout its history in the Greek and Roman world. Perhaps, as the conclusion of such a review, we may be enabled to explain to ourselves why it is that in any modern book of morals, or even in any practical sermon, we are sure to come upon much that has a close affinity with the modes of thinking of the ancient Stoics, while with the modes of thinking of Plato and Aristotle we shall find no real affinity at all.

Stoicism took its rise after the loss of Grecian freedom, and yet not in times that were by any means dangerous or oppres-

sive. It sprang up in the gardens and the porch of genial Athens, where Zeno, Cleanthes, and Chrysippus lived, as Plutarch* says, 'as though they had eaten of the lotus, spell-bound on a foreign soil, enamoured of leisure, spending their long lives in books, and walks, and discourses.' It was, then, no external pressure, but the internal impulse of the human spirit, that gave birth to this new principle. Down to the death of Aristotle, we see philosophers carried out of themselves in dealing with great ideas. The subjective consciousness was lost and overpowered in physical or dialectical conceptions. The saying, 'There are many things diviner than man,'† might be taken as a symbol of the views of the age. Even ethics were so mixed up and involved in politics—the individual was so much absorbed into the State—that the will and inner consciousness of man received as yet no adequate attention. But now we enter upon a new era. A new question gradually wins its way to the light,—namely, What is the position of the individual in the world? What is the nature and destiny of man as a moral being? And the true essence of Stoicism is, that it is an answer to this question. It may seem a paradox to assert that the problem of man's moral nature came forward at so late a period of history as the end and aftermath of Greek philosophy. The highest degree of moral consciousness seems to us moderns so natural a state, the ideas of duty and responsibility are so engrained into our minds, the notion that the individual stands independent and related to God alone is so habitual, that the really late introduction of this condition of thought appears strange. But, in order to explain the fact, we must remember the child-like and unconscious spirit which characterized the Grecian mind, and its tendency to objective thought and the enjoyment of nature, rather than to self-reflection and subjective analysis. We must remember that the Greeks had no moral religion, and that their philosophy began with the universe as a whole, and only slowly worked its way back to the human mind. In short, if we wish to see thought, in which the moral consciousness of the individual, the moral *ego*, is, as it were, the centre and starting point (as is the case, for instance, in the Psalms of David), we must look, not to the conversations of Socrates, nor to the dialogues of Plato, nor even to the ethics of Aristotle, but to the post-Aristotelian schools.

It was no sudden revolution in Greece that gave to the moral problem a paramount importance. Its entrance had been prepared, first, by the gradual progress of speculation, for it

* *De Repugnantiis Stoicis*, c. ii. † Aristotle, *Eth. Nic.* vi.

was on the basis of the results of physical, ethical, and psychological inquiries that Stoicism took its start; secondly, by the very decline of thought, which, as it fell away on the speculative side, left the moral side prominent. The new era, of which Stoicism is the beginning and the representative, was unheralded and unrecognised. Indeed, so little marked was its entry that Cicero* wonders why Zeno should have founded a new school, since he was an innovator in words only, while essentially he agreed with the Peripatetics. Again, the new attitude of thought does not seem to owe its origin to any remarkable force of genius. Rather, we might say, that Stoicism, throughout its history, from Zeno to Marcus Aurelius, reckons no really great man, certainly no great genius, among its ranks, though it exhibits to us a series of more or less interesting personages, all of whom are characterized by a certain peculiar element. This peculiar element may be briefly expressed as intensity—a quality by which the early Stoics, as well as their successors, were strongly marked. Perhaps it may be not wholly fanciful to conceive that this quality, and the kind of thought that accompanied it, may have been in some degree attributable to the influence of race. At all events, if we cast our eyes on a list of the early Stoics and their native places, we cannot avoid noticing how many of this school appear to have come of an Eastern, and often of a Semitic stock. Zeno, their founder, was from Cittium, in Cyprus, by all accounts of a Phœnician family. Of his disciples, Persæus came also from Cittium; Herillus was from Carthage; Athenodorus† from Tarsus; Cleanthes from Assos, in the Troad. The chief disciples of Cleanthes were Sphærus of the Bosphorus; and Chrysippus, from Soli, in Cilicia. Chrysippus was succeeded by Zeno of Sidon, and Diogenes of Babylon; the latter taught Antipater of Tarsus, who taught Panætius of Rhodes, who taught Posidonius of Apamea, in Syria. There was another Athenodorus, from Cana, in Cilicia; and the early Stoic Archedemus is mentioned by Cicero as belonging to Tarsus. When we notice the frequent connexion of Cilicia with this list of names, we may well be reminded of one who was born at Tarsus, in Cilicia, a citizen of no mean city; and we may be led to ask, is there not something in the mental characteristics of the early Stoics analogous to his?

The true character of Stoicism appears most prominently when it is placed in contrast with Epicurism, that rival system with which it stands in perpetual antithesis. If we ask on

---

* *De Fin.* iv. ii. 3; iv. 26, 72.

† Placed here by Lipsius in his *Manuductio ad Stoicam Philosophiam* (Antwerp, 1604) i, x. But if this be the same as Athenodorus Cordylion, he must have lived much later.

what does this antithesis rest? we shall find that it rests on the twofold essence of man, as a thinking and as a feeling subject; as consisting, on the one hand, of spirit, or free and self-determined thought; and, on the other hand, of nature, or an existence determined by physical laws expressing themselves in the sensuous feelings and desires. These two sides of man's being may often stand in opposition to each other; or, again, they may be harmonized so as to give either the one side or the other the precedence and authority. Either we may say 'a thing is good because it is pleasant,' and thus refer the decision to the natural feelings; or we may say 'it is pleasant because it is good,' and thus refer the decision to the inner spirit or reason. How far these two sentences actually express the leading principles of the Stoic and the Epicurean schools, we may best see by considering the ideal of man which they each proposed to themselves. The Epicurean ideal was a being moving harmoniously according to natural impulses; one, in short, in whom the spirit and thought should rather form a part of the natural life than prominently control it. The Stoic ideal, on the contrary, was a being in whom the natural impulses and desires should be absolutely subjected to the laws of abstract thought. Epicurism is essentially Greek and essentially Pagan; the beautiful and genial Greek mythology is but a deification of the natural powers and impulses. Stoicism is a reaction against this: it consists in an inner life, in a drawing away from the body, and in disregarding as worthless and of no moment the 'law in the members.' Epicurism and Stoicism both received as an inheritance the results of Grecian speculation, Epicurus reproducing the Physics of Democritus as Zeno did those of Heraclitus. In both, the moral attitude was what was essential. Of both it has been truly said that they were less and more than philosophy. Less, because they were thoroughly unspeculative in their character, and indeed consisted in the popularizing of speculation; more, because they were not mere systems of knowledge, but a principle for the whole of life. They soon lost their local and restricted character as schools; they assimilated to themselves more and more broadly human thought, and thus became 'the two great confessions of faith of the historical world.'* Thus were these two ideas set against each other. Regarding, however, Stoicism, with its weakness and its strength, as far the more interesting and important, as it is, of course, also far the higher tendency of the two, we shall henceforth, in tracing

* Dr. Braniss. *Uebersicht des Entwicklungsganges der Philosophie* (Breslau, 1842), p. 218, whence several points of this comparison are taken.

its history, only incidentally allude to the fortunes of its rival.

In the history of Stoicism, the following parts of the subject seem naturally to stand apart from each other, and to demand in some sort a separate treatment:—First, the period of the formation of the Stoical dogma, from Zeno to Chrysippus; second, the period of the promulgation of Stoicism and its introduction to the knowledge of the Romans; third, Stoicism in the Roman world, its different phases, and its influence on individual thought and on public manners and institutions. I. The first period of Stoicism takes us down to the year 207 B.C., which was the date of the death of Chrysippus. The chronology of the commencement of this period is difficult to fix. Zeno probably lived till after the year 260 B.C., and he may have been born rather before 340 B.C. It is uncertain whether he came to Athens in his twenty-second or his thirtieth year. On the whole, we may assume that he did not arrive there till after the death of Aristotle, which took place in the year 322 B.C. Chrysippus may possibly in early youth have heard some of the discourses of Zeno; but Cleanthes, who succeeded Zeno as leader of the Porch, was the true link between them. By these three the Stoical doctrine, properly so called, received its completion. Nothing was afterwards added to it, except the eclectic amalgamation of other doctrines. These three personages come before us with great distinctness. The anecdotes that have been handed down about them, though perhaps in some cases mythical, are at all events highly symbolical, and give us a very definite conception of their separate characteristics. Zeno is described* as a slight, withered little fellow, of a swarthy complexion, and with his neck on one side. The story goes, that in trading to Athens he was shipwrecked at the Piræus, and was thus 'cast on to the shores of philosophy.' Going up to the city, he sat down at the stall of a bookseller, where he read the second book of the *Memorabilia* of Xenophon, and asked with enthusiasm 'where such men lived?' Crates, the Cynic, happened to be passing at the moment, and the bookseller cried 'Follow him.' Zeno then studied under Crates, but held himself aloof from the extravagant unseemliness of Cynicism. He is also said to have studied under the Megarians, Stilpo, Cronus, and Philo, and under the Academicians, Xenocrates and Polemo. After twenty years, he opened his school in the Stoa Pœcile, the porch adorned with the frescoes of Polygnotus. Zeno appears to have impressed the Athenians with the highest admiration for his character.

* Diog. Laert. vii. 1.

Their treatment of him was a contrast to their treatment of Socrates. It is perhaps an apocryphal tradition which relates that they deposited the keys of their citadel with him, as being the most trustworthy person; but it may be true that they decreed to him a golden crown, a brazen statue, and a public entombment. In extreme old age he committed suicide. Cleanthes, the disciple of Zeno, was perhaps the most zealous disciple that a philosopher ever had. He is said to have been originally a boxer, and to have come to Athens with four drachmas in his possession. By his strength, his endurance, and his laborious life, he acquired the name of 'the New Hercules.' 'Falling in with Zeno,'* it is said that 'he took to philosophy most bravely.' He wrote notes of his master's lectures on potsherds and the bladebones of oxen, not being able to afford to purchase paper. He was summoned before the Areopagus to give an account of his way of living, since his whole days were passed in philosophy, and he had no ostensible calling nor means of support. He proved to his judges that he drew water by night for a gardener, and ground the corn for a flour-dealer, and thus earned a maintenance. The story goes on that his judges, on hearing this account, voted him ten minæ, which the rigid Zeno forbade him to accept. There is something quaint about the whole personality of Cleanthes. He was nicknamed 'the Ass,' for his stubborn patience. He seems to have left the impression that it was this indomitable perseverance, rather than the superiority of his genius, that gave him precedence over other noteworthy disciples of Zeno. 'High thinking,' however, appears to have accompanied the 'plain living' of Cleanthes. His reflections on Destiny, and his *Hymn to Jupiter*, will best be treated of hereafter. When asked,† 'What is the best way to be rich?' he answered, 'To be poor in desires.' No reproaches or ridicule ever ruffled the sweetness and dignity of his presence. His calm bearing when satirized on the stage by the comic poet Sositheus, caused the spectators to applaud him and to hiss off Sositheus. The idea of death seems to have been long present to his mind. Being taunted with his old age, he said, 'Yes, I am willing to be gone, but when I see myself sound in every part, writing and reading, I am again tempted to linger.' The story of his death is characteristic. Having suffered from an ulcer on the tongue, he was advised by his physician to abstain from eating for a while in order to facilitate the cure. Having fasted for two days he was completely cured, and his physician bade him return to his usual course of life, but he

---

* Diogenes Laertius, vii. 5.

† Stobæus, *Florileg.* xciv. 31.

said that, 'Since he had got so far on the road, it would be a pity not to finish the journey;' so continuing his abstinence he died.

Hardly any personal details of the life of Chrysippus have come to us. On the other hand, we have more fragments of his actual writings than of those of all the early Stoics put together. In Chrysippus the man seems swallowed up in the writer and disputer. He is said* to have been slight in person, so that his statue in the Cerameicus was totally eclipsed by a neighbouring equestrian figure, and from this circumstance Carneades nicknamed him Crypsippus. His literary activity was almost unrivalled: he wrote above seven hundred and five works on different subjects. Epicurus alone, of the ancient philosophers, outstripped him in voluminousness of writing. He is said to have been keen and able on every sort of subject. He told Cleanthes that he 'only wanted the doctrines and he would soon find out the proofs.' This boast appears to betray a want of earnestness as to the truth, and somewhat too much of the spirit of a dialectician. In this respect Chrysippus must have differed widely from his two distinguished predecessors, with whom Stoicism was above all things a reality and a mode of life. However, there is no doubt that Chrysippus did great service to the Stoic school by embodying their doctrines and stating them in manifold different ways. Hence the saying, 'But for Chrysippus, the Porch would never have been.' He developed Stoicism on its negative and antagonistic side by arguing with trenchant dialectic against Epicurus and the Academy. We shall see that he really mooted and boldly strove to reconcile some of the deepest and most difficult contradictions of human thought—difficulties which are ever present in modern metaphysics, but which had never truly occupied the ancients before the death of Aristotle. We know most about Chrysippus from Plutarch's book *On the Inconsistencies of the Stoics*. It consists really of the inconsistencies of Chrysippus, extracted from various parts of his voluminous writings. This interesting book gives the impression that Plutarch is unphilosophical, though we are not able to exonerate Chrysippus from inconsistency. Such rapid and extensive writing, such a warm spirit of advocacy, such an attempt to round off and complete a doctrine in spite of all difficulties, such a various controversialism, such an elevated theory, paradoxical even in the grandeur of its aims, combined, on the other hand, with an extremely practical point of view,—could not fail to give rise to manifold inconsistencies. Chrysippus was inconsistent,

* Diogenes Laertius, vii. 7.

just as Seneca afterwards was inconsistent, because it suited the genius of Stoicism to abandon the stern simplicity and unity of a scientific principle. Stoicism became learned, complex, and eclectic; embracing in its grasp a far greater variety of problems than the philosophy of Plato or Aristotle had done, it treated these more loosely, and often oscillated between mere empiricism and an ideal point of view.

Taking now the Stoical doctrine as it gradually formed itself during the entire course of the third century B.C., we may proceed to trace its essential features, though in the lack of direct writings* of the successive masters of the school we must give up attempting to fix their several contributions, and their differences from each other. Early Stoicism consisted of two elements—the one might be called dynamical: it was the peculiar spirit, tendency, and mental attitude assumed; the other element was material, being an adaptation of the results of existing philosophy. The material side of Stoicism was comparatively unimportant. This it was, however, which caused Cicero to make the mistaken observation that Zeno was no real innovator, but only a reproducer of the Peripatetic doctrines. And indeed it is sufficiently striking at first sight of the Stoical compendia, that their ethic seems a patchwork of Peripatetic and Platonic formulæ; their logic, a development of the doctrine of the syllogism; and their physic, a blending of Heraclitus with Aristotle. Yet in spite of all this, Zeno was no mere eclectic; all that was Peripatetic in his system was the outward, and not the inner and essential part. And in short, the vestiges of previous Greek philosophy existing in Stoical books may be said, *mutatis mutandis*, to bear the same relation to Stoicism, as the vestiges of Jewish and of Alexandrian ideas existing in the New Testament bear to Christianity. What we have called the dynamical element of Stoicism, constitutes its real essence. This it derived partly from the idiosyncrasy and perhaps the national characteristics of its founder, partly from the peculiarities of the Cynical school in which it was nurtured.

Zeno agreed with Crates, and Stoicism coincides with the Cynic view thus far, that it makes the starting-point of all thought to be the conception of a life. The setting of this

* No fragment even, of any length, belonging to the early Stoics has come down to us, except the hymn of Cleanthes. Our main sources of information with regard to them are Cicero, Plutarch, Sextus Empiricus, Diogenes Laertius, and Stobæus. We have the reflection of their doctrine in the writings of the Roman Stoics, Seneca, Epictetus, and Marcus Aurelius; and numberless scattered allusions to them in the later literature of antiquity may be easily combined into a complete and tolerably certain view.

moral and practical conception above all speculative philosophy separates Zeno from the previous schools of Greece. We have now to ask, What is it that distinguishes him from Crates?—what is the essential difference between the Stoic and the Cynic creeds? This is generally stated as if the former were merely a softened edition of the latter. The Cynic said, 'There is nothing good but virtue, all else is absolutely indifferent.' The Stoic said, 'Yes, but among indifferent things some are preferable* to others: health, though not an absolute good, is, on the whole, preferable to sickness; and this, though not an evil, is, on the whole, to be avoided.' Again, it is said that Cynicism is unseemly and brutal, and tramples upon society; Stoicism is more gentle, and outwardly conforms with the world. But this comparison does not go sufficiently deep, and does not explain the facts of the case, for the Stoics were often as paradoxical as the Cynics in denying that anything was a good besides virtue; and if they were outwardly less ferocious, we want to know what was the inward law of their doctrine that made them so. Perhaps we nearest touch the spring of difference, by observing that Cynicism is essentially mere negation, mere protest against the external world; while Stoicism is essentially positive, essentially constructive, and tends in many ways to leaven the external world. Cynicism despised the sciences, disdained politics, exploded the social institutions, and ridiculed patriotism or the distinctions of country. Zeno, on the contrary, re-arranged the sciences according to his views: he enjoined the wise to mix in affairs: and he conceived not a mere negation of patriotic prejudices, but the positive idea of cosmopolitanism. Cynicism, therefore, is a withdrawal from the world into blank isolation, while Stoicism is the withdrawal into an inner life, which forms to its votaries an object of the highest enthusiasm. Hence the elation, often hyperbolical, which tinges the Stoical austerity; hence the attractiveness of the doctrine and its spread over the world. And connected, too, with the positive and constructive impulse of Stoicism, we may reckon its plastic character, its external eclecticism, and its tendency to be influenced and modified by the course of surrounding civilization.

Lists have been preserved† for us by the ancients of the different formulæ in which the Stoical masters expressed the

---

* This was the famous Stoical distinction between things *προηγμένα* and *ἀποπροηγμένα*; see Diog. Laert. vii. i. 61. It was a compromise between the paradox that 'nothing is good but virtue,' and the practical facts of life. Stoicism is forced to be full of such compromises.

† Stobæus, *Ecl.* ii. 134; Clemens Alexandrinus, *Strom.* ii.; Diog. Laert. vii. i. 53.

leading principle of life. They are all modifications of the same idea, that 'the end for man is to live according to nature.' Nature here means that which is universal—the entire course of the world, as opposed to individual and special ideas and impulses. Until we remember this interpretation, the Stoical formula appears surprising; for how could *they* enjoin life according to nature, whose whole endeavour was to be superior to nature—to overcome and subdue desire, sorrow, pain, the fear of death, and all that in another sense we are accustomed to call the natural instincts? If 'nature' were taken to mean the involuntary and immediate impulses, then the phrase 'follow nature' would express not the Stoical, but the Epicurean, principle. The Stoical 'nature' was the conception of an abstract and universal order, and was to be apprehended by the discursive Reason. This clear-sightedness and authority of the Reason is, of course, only slowly arrived at, and the Stoics explained their theory by saying that 'all our duties come from nature, and wisdom among the number. But as when a man is introduced to any one, he often thinks more of the person to whom he is introduced than of him who gave the introduction,—so we need not wonder that, while it was the instinctive impulses of nature that led us to wisdom, we hold wisdom more dear than those impulses by which we arrived at her.'* In order to avoid seeming to approximate to the Epicureans, they denied that pleasure and pain are among the principles of nature. In short, starting from nature, the Stoics came round utterly to supplant nature (in the usual sense), and to substitute in her room pure thought and abstract ideas.

The phrase 'follow nature,' to express the highest kind of life, has never yet established itself in language. 'One touch of nature makes the whole world kin'—that is, any perfectly simple and instinctive feeling, the very opposite of anything abstract or cultivated. Again, the 'natural man,' as opposed to the 'spiritual man,' denotes something utterly different from the Stoical idea of perfection. Thus, common parlance retains its own associations connected with the term nature, and rejects those of the Stoics. But it is interesting to observe that Bishop Butler has espoused their formula, and has argued that 'nature' does not mean single impulses or desires, but the idea of the constitution of the whole, reason and conscience as regulative principles being taken into consideration. Butler's object in maintaining this position was obviously one relative to his own times. As in appealing to a selfish age he thought it necessary to assert that virtue was not inconsistent with the

* Cicero, *De Fin.* III. vii. 23.

truest self-love, so also he argued that virtue was not against nature, but in reality man's natural state. He here takes up, just like the Stoics, an abstract ideal of nature; for he makes the basis of his reasoning a proviso that the moral rules of conscience not only exist, but that they have authority—that is, that they control, as they *ought* to do, the rest of the human principles. Into the difficulties of the question Butler has not entered. For instance, while he is perfectly successful in establishing against the Hobbists the reality of the moral elements in man's nature, he does not tell us whether or not he would agree with the Stoics in ultimately giving the entire supremacy to man's reason and conscience, so as to supplant the other instincts, or at what point he would stop. Again, we would ask him to define more accurately his idea of 'life according to nature.' Is the life of the saints and martyrs to be called a life according to nature? If not, is it better or worse? and if better, is not man to aim at the better? The whole question is one not of mere words, but implying the discussion of a very important subject—namely, the way in which life is to be conceived. There is one mode of representation which describes life as a progress, a conflict, a good fight; another which makes it the following of nature. On the one hand, there is the spirit of aspiration and effort, the tendency to asceticism, the victory of the will; on the other hand, there are the genial, kindly, human feelings, there is the 'wise passivity' of mind, and there is the breadth of sympathy which counterbalances an over-concentrated intensity of aim. To make the formula 'life according to nature' of any value, we require to have these contradictory tendencies harmonized with each other. We should then see whether the term 'nature' is at all capable of expressing the highest kind of life, or whether we must continue to think that this is something rather above 'nature' (as it exists in man) than a following of nature. We should see how far it is really possible to conceive a harmony, without the suppression of either, not only between the 'law of the members' and the 'law of the spirit,' but also between the inner life and the interests and enjoyments of the external world.

The commonest ideal of virtue according to nature is the picture of mankind in a state of innocence, whether the scene be laid in some far-off island, or remote in point of time, in the golden age of the world. To imagine a primitive and pastoral existence, in which every impulse is virtuous and every impulse is to be obeyed,—this is an easy reaction from a vitiated and over-refined civilization. Some have supposed that the Stoics made this ideal of uncorrupted nature part of their views; but

in reality it would not suit the genius of Stoicism to do so. Though they railed at the actual state of the world, their remedy was placed rather in the power of the will, in the effort to progress, than in dreams of a bygone state of innocence. The only allusion which we can trace in their fragments to this conception is a saying of the later Stoic, Posidonius, that 'in the golden age the government was in the hands of the philosophers.'* The context, however, of this remark, makes it appear rather as a rhetorical praise of philosophy than as a serious piece of doctrine. Seneca, in one of whose epistles it is quoted, comments upon it in an interesting manner. After echoing for a while the strain of Virgil, and praising those times of innocence 'before the reign of Jupiter,' when men slept free and undisturbed under the canopy of heaven, he returns to the true Stoical point of view, and asserts that in those primitive times there was, in fact, no wisdom. If men did wise things, they did them unconsciously. They had not even virtue; neither justice, nor prudence, nor temperance, nor fortitude. It is a profound truth that Seneca perceives—namely, that the mind and the will evoked into consciousness and perfected even by suffering, are greater possessions than the blessings, if they were attainable, of a so-called golden age and state of nature.

The Stoical principle of 'life according to nature,' would have been, like Bishop Butler's, a blank formula, were it not for the further exposition of their doctrine which they have left us in their ideal of the Wise Man. This ideal exhibits not the pursuit of wisdom for its own sake—not the excellence of philosophy in and for itself, as Plato and Aristotle used to conceive it, but rather the results of wisdom in the will and character,—results which Zeno summed up in the terms an 'even flow of life.'† The notion that equanimity is the most essential characteristic of a philosopher, is perhaps traceable to this conception of the Stoics; according to whom the Wise Man is infallible, impassive, and invulnerable.‡ And while possessing this external immunity from harm, he is in himself full of divine inspirations—he is alone free, alone king and priest, alone capable of friendship or affection. These and other splendid and exclusive attributes did the Stoics attach to their imaginary sage, till Chrysippus becoming conscious in one place§ of the paradoxical character of the picture, allows that he 'may seem, through the pre-eminent greatness and beauty of his descriptions, to be giving utterance to mere fictions, things transcending man

---

* Seneca, *Ep.* xc.
† Εὔροια τοῦ βιόν. Stob. *Ecl.* ii. 138.
‡ Diog. Laert. vii. 1. 64.
§ Plutarch, *De Repug. Stoic.* c. xv.

and human nature.' At the Stoical paradox Horace laughed. Plutarch wrote a book (now lost, but of which the outlines remain) to prove that it surpassed the wildest imaginations of the poets. But in truth 'the curtain was the picture;' the paradox was an essential part of the doctrine. For of necessity these pictures of the inner life are paradoxical. They speak of a boundless freedom and elevation, with which the narrow limits of external reality come into harsh contrast. And in the vaunts of the Stoics we only see what is analogous to one side of Lord Bacon's famous 'character of a believing Christian, drawn out in paradoxes and seeming contradictions.' 'He is rich in poverty, and poor in the midst of riches; he believes himself to be a king, how mean soever he be; and how great soever he be, yet he thinks himself not too good to be servant to the poorest saint.'

Some of the qualities of the Stoic ideal seem inferior to the conception of goodness afterwards developed by the school. The Wise Man of Zeno was represented as stern and pitiless, and as never conceding pardon to any one. This forms a great contrast with the gentle and forgiving spirit of Epictetus and Marcus Aurelius. Doubtless such harsher traits of the picture belonged to Cynicism, and were afterwards discarded during subsequent transmutations of the Stoical principle. More inward meaning is there in the saying, paradoxical as it might appear, that nothing the Wise Man can do would be a crime. Cannibalism, and incest, and the most shocking things, are said to be indifferent to the sage. This, however, though stated so repulsively, can only have meant something resembling the principle that 'whatever is of faith is no sin.' The chief interest of the Stoical ideal consists in the parallel it affords at many points to different phases of religious feeling. One of these points is the tendency, more or less vaguely connecting itself with the Stoic doctrine, to divide all the world into the good and the bad, or, as they expressed it, into the wise and the fools—an idea evidently belonging to the inner life, and hard to bring into conformity with external facts. Entirely in the same direction, the Stoics said that short of virtue—in other words, short of the standard of perfection—all faults and vices were equal. Chrysippus, indeed, tried to soften down this assertion; but in its extreme form it only reminds us of certain sayings which have been heard in modern times, about the 'worthlessness of morality.' In the presence of a dazzling ideal of spiritual perfection, the minor distinctions of right and wrong seem to lose their meaning.

The Stoics, after portraying their Wise Man, were free to confess that such a character did not exist, and indeed never

had existed. With small logical consistency, but with much human truth, while they allowed their assertions about the worthlessness of all except absolute wisdom to remain, and always held up this unattained and unattainable ideal, they admitted another conception to stand, though unacknowledged, beside it—namely, the conception of 'advance.'* Zeno and the rest, though they did not claim to be wise, yet claimed to be 'advancing.' This notion of conscious moral progress and self-discipline is too familiar now for us easily to believe that it was first introduced into Greece in the third century B.C. It may be said, indeed, to be contained implicitly in Aristotle's theory of 'habits;' but it is in reality the expression of a new and totally different spirit. By this spirit we shall find the later Stoics deeply penetrated. It constituted perhaps the most purely 'moral' notion of antiquity, as implying the deepest associations which are attached to the word 'moral.'

Another great idea, of which the introduction is generally attributed to the Stoics, is the idea of 'duty;' but on consideration we shall perceive that this, entirely conformable as it was with their point of view, was not all at once enunciated by them, but was only gradually developed in or by means of their philosophy. There were two correlative terms introduced by the early Stoics, signifying the 'suitable'† and the 'right.' The 'right' could only be said of actions having perfect moral worth. The 'suitable' included all that fitted in harmoniously with the course of life—everything that could on good grounds be recommended or defended. This term, the 'suitable,' seems to fall short of the moral significance of what we mean by duty; and yet it is remarkable that this term became translated into Latin as *officium*, and thus really stands to our word 'duty' in the position of lineal antecedent. So much casuistical discussion took place upon what was, or was not, 'suitable,' that a train of associations became attached to the word, associations which were inherited by the Romans. Thus the idea of duty grew up, more belonging, perhaps, to the Roman than to the Greek elements in the Stoical spirit, fostered by a national sternness and a love of law, and ultimately borrowing its modes of expression from the formulæ of Roman jurisprudence.‡

---

* προκοπή, προκόπτειν (Diog. Laert. vii. i. 54). In Latin, *profectus*, *proficere* (Seneca, *Ep.* 71).

† καθῆκον and κατόρθωμα, Stob. *Ecl.* ii. 158. Cicero's *De Officiis* is taken, with but little alteration and addition, from the work of Panætius, περὶ τῶν καθηκόντων. Cicero complains that Panætius gave no definition of his subject (*De Off.* i. 3). Thus we see that the Greek Stoics had really no formula to express what we mean by duty.

‡ For instance, the word 'obligation' is a Latin law term. The

The most prominent conception in the Stoical system being the effort to attain a perfect life in conformity with universal laws, we may now ask what forms the background to this picture? Aristotle and Plato would certainly have conceived to themselves a limited state, essentially Greek in character, the institutions of which should furnish sufficiently favourable conditions for the life of the Wise Man. But in the third century B.C. these restricted notions had become exploded. Zeno now imagined, what surpassed the *Republic* of Plato, a universal state, with one government and manner of life for all mankind. This admired polity,* which Plutarch calls 'a dream of philosophic statesmanship,' and which, he rhetorically says, was realized by Alexander the Great, owed, no doubt, its origin to the influence upon men's minds produced by the conquests of Alexander. This influence, partly depressing,—in so far as it diminished the sense of freedom, and robbed men of their healthy, keen, and personal interest in politics,—was also partly stimulating, since it unfolded a wider horizon, and the possibility of conceiving a universal state. Thus were the national and exclusive ideas of Greece, as afterwards of Rome, changed into cosmopolitanism. The first lesson of cosmopolitanism, that said, 'there is no difference between Greeks and barbarians—the world is our city,' must have seemed a mighty revelation. To say this was quite natural to Stoicism, which, drawing the mind away from surrounding objects, bids it soar into the abstract and the universal. By denying the reality and the interest of national politics, the moral importance of the individual was immensely enhanced. Ethics were freed from all connexion with external institutions, and were joined in a new and close alliance to physics and theology.

The cosmopolitanism of the Stoics was a cosmopolitanism in the widest etymological sense, for they regarded not the inhabited earth alone, but the whole universe, as man's city. Undistracted by political ideas, they placed the individual in direct relation to the laws of the Cosmos. Hence Chrysippus said,† that 'no ethical subject could be rightly approached except from the preconsideration of entire nature and the ordering of the whole.' Hence his regular preamble to every discussion of good, evil, ends, justice, marriage, education, and the like, was some exordium about Fate or Providence. So close and absolute a dependence of the individual upon the

word 'law' itself is employed with a moral meaning, and on consideration it will be found that our notions of duty ('what is owing') are intertwined inextricably with legal associations.

* Plutarch, *De Alexandri Magni fortunâ aut virtute*, c. vi.

† Ap. Plutarch, *De Repug. Stoicis*, c. ix.

Divine First Cause was asserted by the Stoics, that their theological system reminds us, to some extent, of modern Calvinism, or of the doctrines of Spinoza. Body, they said, is the only substance. Nothing incorporeal could act upon what is corporeal, or *vice versâ*. The First Cause* of all is God, or Zeus—the universal reason, the world-spirit, which may also be represented as the primeval fire, just as the soul of man, which is an emanation from it, consists of a warm ether. God, by transformation of his own essence, makes the world. All things come forth from the bosom of God, and into it all things will again return, when by universal conflagration the world sinks into the divine fire, and God is again left alone. The universe is a living and rational whole; for how else could the human soul, which is but a part of that whole, be rational and conscious? If the Cosmos be compared to an individual man, then Providence is like the spirit of a man. Thus all things are very good, being ordered and pre-ordained by the divine reason. This reason is also destiny, which is defined to be† 'the law according to which what has been, has been; what is, is; and what shall be, shall be.' The round world hangs balanced in an infinite vacuum. It is made up of four elements—fire and air, which are active powers; water and earth, which are passive materials. Within it are four classes of natural objects—inorganic substances, plants, animals, and rational beings. First and highest among rational beings are the sun and the stars and all the heavenly bodies, which, as Plato and Aristotle used to say, are conscious, reasonable, and blessed existences. These, indeed, are created gods, divine but not eternal. They will at last, like all things else, return into the unity of the primeval fire. Other gods, or rather other manifestations of the one divine principle, exist in the elements and the powers of nature, which, accordingly, are rightly worshipped by the people, and have received names expressive of their different attributes. Heroes, also, with divine qualities, are justly deified; and the Wise Man is divine, since he bears a god within himself. In this city of Zeus, where all is holy, and earth and sky are full of gods, the individual man is but a part of the whole—only one expression of the universal law.

Abstractedly, the theology of the Stoics appears as a materialistic pantheism; God is represented as a fire, and the world

---

* For the particulars of their physical and theological system, and the authorities which establish the various parts of the doctrine, see Dr. Zeller's *Philosophie der Griechen*, vol. iii. pp. 67-122. This book contains the most complete and accurate account of the Stoics which has yet been written.

† Plutarch, *De Placitis Philosophorum*, i. 28.

as a mode of God. But, practically, this aspect of the creed is softened by two feelings—by their strong sense, first, of the personality of God; and secondly, of the individuality of man. These feelings express themselves in the hymn of Cleanthes, the most devotional fragment* of Grecian antiquity. In this hymn, Zeus is addressed as highest of the gods, having many names, always omnipotent, leader of nature, and governing all things by law.

'Thee,' continues the poet, 'it is lawful for all mortals to address. For† we are thy offspring, and alone of living creatures possess a voice which is the image of reason. Therefore, I will for ever sing thee and celebrate thy power. All this universe rolling round the earth obeys thee, and follows willingly at thy command. Such a minister hast thou in thy invincible hands, the two-edged, flaming, vivid thunderbolt. O, King, most high, nothing is done without thee neither in heaven or on earth, nor in the sea, except what the wicked do in their foolishness. Thou makest order out of disorder, and what is worthless becomes precious in thy sight; for thou hast fitted together good and evil into one, and hast established one law that exists for ever. But the wicked fly from thy law, unhappy ones, and though they desire to possess what is good, yet they see not, neither do they hear the universal law of God. If they would follow it with understanding, they might have a good life. But they go astray, each after his own devices—some vainly striving after reputation, others turning aside after gain excessively, others after riotous living and wantonness. Nay, but, O Zeus, giver of all things,

* Preserved by Stobæus, *Ecl. Phys.* i. 30.

† Ἐκ σοῦ γὰρ γένος ἐσμέν, ἴης μίμημα λαχόντες Μοῦνοι. It is difficult to believe that the first part of this line, and the hymn of Cleanthes in general, is not alluded to by St. Paul in his speech at Athens. It was after encountering certain philosophers of the Epicureans and of the Stoics that he 'stood up in the midst of Mars' Hill' and addressed the multitude. While speaking to the mass of the Athenians, and making the popular superstition his starting-point, St. Paul appears also to appeal to the philosophic part of his audience, weaving in their ideas into his speech, and referring to their literature. Thus the cosmopolitan theory of the Stoics seems to be distinctly assumed, and both Aratus and Cleanthes may be comprehended under the terms 'certain of your own poets.' It is interesting, after reading the Stoical verses, to turn to the exact words of St. Paul:—'God, that made the world and all things therein, seeing that he is Lord of heaven and earth, dwelleth not in temples made with hands; neither is worshipped with men's hands as though he needed anything, seeing he giveth to all life and breath and all things, and hath made of one blood all nations of men, for to dwell on all the face of the earth, and hath determined the times before appointed and the bounds of their habitation; that they should seek after the Lord, if haply they might feel after him and find him, though he be not far from every one of us. For in him we live and move and have our being, as certain also of your own poets have said, For we are also his offspring.' The saying that 'God dwelleth not in temples made with hands' agrees remarkably with the expressions of Zeno, ap. Plutarch, *De Repug. Stoic.*, c. 2.

who dwellest in dark clouds, and rulest over the thunder, deliver men from their foolishness. Scatter it from their souls, and grant them to obtain wisdom, for by wisdom thou dost rightly govern all things; that being honoured we may repay thee with honour, singing thy works without ceasing, as is right for us to do. For there is no greater thing than this, either for mortal men or for the gods, to sing rightly the universal law.'

In this interesting fragment we see, above all, a belief in the unity of God. This, Plato and Aristotle had most certainly arrived at. Even in the popular ideas it probably lay behind all polytheistic forms, as being a truth necessary to the mind. But Monotheism here, as in the early Hebrew Scriptures, is co-existent with a mention of other gods besides the one highest God. These are represented as inferior to Zeus, and singing his praises. The human soul is here depicted as deriving all happiness from wisdom and a knowledge of God. The knowledge of God and a devotional regard to Him are mentioned as needs of the human soul, though the knowledge spoken of appears partly under the aspect of an intuition into the universal and impersonal law. When Cleanthes speaks of 'repaying God with honour,' we see a strong assertion of the worth of the individual. Heraclitus had said of old that 'Zeus looks on the wisest man as we look on an ape.' But now the feeling about these things was changed, and Chrysippus* even went so far as to say, that 'the sage is not less useful to Zeus than Zeus is to the sage,'—a saying which is rendered less offensive by taking it partly in a metaphysical sense, to mean that the individual is as necessary to the universal law as *vice versâ*.

As strong an assertion as this would seem almost required to counterbalance the absorbing necessarian element in early Stoicism. At first it excites surprise that a system putting so great store on the moral will, should on the other hand appear to annihilate it. If all proceeds by destiny, what scope is left for individual action, for self-discipline and moral advance? But we must leave this contradiction unresolved. Other systems with a profoundly moral bearing have also maintained the doctrine of necessity. And it was plainly the intention of the Stoics that the Wise Man, by raising himself to the consciousness of universal necessity, should become free, while all those who had not attained to this consciousness remained in bondage. 'Lead me, Zeus, and thou Destiny,'† says Cleanthes,

* Plutarch, *Adversus Stoicos*, 33.

† ἄγου δέ μ' ὦ Ζεῦ, καὶ σύ γ' ἡ Πεπρωμένη,
ὅποι ποθ' ὑμῖν εἰμὶ διατεταγμένος,
ὡς ἕψομαί γ' ἄοκνος· ἢν δὲ μὴ θέλω
κακὸς γενόμενος, οὐδὲν ἧττον ἕψομαι.

These verses are translated by Seneca.

in another fragment, 'whithersoever I am by you appointed. I will follow not reluctant; but even though I am unwilling through badness, I shall follow none the less.' Yet still with the Stoics the individual element remained equally valid; the individual consciousness was the starting-point of their thought; and hence the difficulty arose, as in modern times, how to reconcile the opposite ideas of individual freedom, and of a world absolutely predetermined by divine reason. To the task of this reconciliation Chrysippus devoted himself, and Cicero describes him as 'labouring painfully to explain how all things happen by Fate, and yet that there is something in ourselves.'* To effect this, he drew a distinction between 'predisposing' and 'determinant' causes, and said that only the 'predisposing' causes rested with Fate,† while the 'determinant' cause was always in the human will. This distinction will hardly bear much scrutiny. When Chrysippus was confronted with what philosophers called the 'lazy argument'‡—namely, the very simple question, Why should I do anything, if all is fated? Why, for instance, should I send for the doctor, since, whether I do so or not, the question of my recovery is already fixed by fate?—to this he replied, It is perhaps as much fated that you should send for the doctor, as that you should get well; these things are 'confatal.' In other words, the fate of the Stoics was, of course, a rational fate, acting not supernaturally, but by the whole chain of cause and effect. The reasonings of Chrysippus are interesting historically, as being the first attempt to meet some of the difficulties of the doctrine of human freedom; and much that he urges has been repeated in after-times. We have already seen the optimism of Cleanthes expressed in his hymn. He says on the one hand, that nothing is evil in the hands of God; God fits good and evil together into one frame. On the other hand, he says that 'God does all that is done in the world, except the wickedness.' Chrysippus touching on the existence of evil and the afflictions which happen to good men, says that the existence of evil is necessary, as being the contrary to good;§ without it, good could not exist. Again, that as in a large family a little waste must occur, so in the world there must be parts overlooked and neglected. Again, that the good are afflicted not as a punishment, but 'according

---

* Fragment of Cicero, *De Fato*, ap. Aul. Gell. VII. ii. 15.

† Plut. *De Repug. Stoic.* xlvii.: οὐκ αὐτοτελῆ τούτων αἰτίαν, ἀλλὰ προκαταρτικὴν μόνον ἐποιεῖτο τὴν Εἱμαρμένην.

‡ ἀργὸς λόγος (Cicero, *De Fato*, xii.-xiii.)

§ Plutarch, *De Repug. Stoic.* xxxv.-xxxvii.

to another dispensation.' Again, that evil demons may preside over some parts of the world. These inconsistent arguments show a great advance in theology. The first is, perhaps, the most philosophical. It is taken from Heraclitus, according to whom all things exist by the unity of contradiction. Plutarch objects to this argument, that if good can only exist by implying evil, what will become of the good after the conflagration of the world, when Zeus is all in all? If evil is destroyed, then good will be destroyed also;—an objection hard to answer from the point of view of Chrysippus.

The Stoics generally professed themselves on the side of the 'common notions.' They accepted the popular theology, in an allegorizing spirit, as being a slightly perverted expression of the truth. Though denying the marvellous and the supernatural, and being quite unable to attribute to God a meddling in the *minutiæ* of human affairs, they yet declared* for the reality of omens, oracles, and portents. They explained their belief by saying that there was no special revelation, but that certain signs were universally preordained to accompany certain events. The portent and the thing to be signified were 'confatal.' Thus the world was full of divine coincidences, if men could but discern them." We can well fancy that this theme would suit the subtle intellect of Chrysippus, who appears to have written two books on Divination, one on Oracles, and one on Dreams. But a difference on the subject afterwards arose in the school, and Panætius expressed his doubts as to the reality of divination. With regard to the doctrine of future rewards and punishments, the Stoics were opposed to the general belief. Chrysippus finds fault with Plato for having, in the person of Cephalus, adopted such a vulgar bugbear.† But they asserted the moral government of the world, saying that the good alone are happy, and that misfortunes happen to the wicked by Divine Providence. The Stoics would seem excluded by their theological system from holding the immortality of the soul. If all the world by conflagration sinks into the essence of God, how can the individual soul continue to exist? But, on the other hand, if there be any principle in the human mind, short of revelation, which would lead men to trust and believe in their own immortality, it must assuredly be that principle which so largely animates Stoicism—the principle of aspiration, of moral energy, of a

---

* Cicero, *De Divinatione*, i. 3, &c.—Seneca, *Quæst. Nat.* ii. 52.

† *τὸν περὶ τῶν ὑπὸ τοῦ θεοῦ κολάσεων λόγον, ὡς οὐδὲν διαφέροντα τῆς Ἀκκοῦς καὶ τῆς Ἀλφιτοῦς, δι' ὃν τὰ παιδάρια τὸν κακοσχολεῖν αἱ γυναῖκες ἀνείργουσι.*—Plut. *De Repug. Stoic*, c. xii.

life above all ordinary pleasures and interests. 'Let us eat and drink, for to-morrow we die,' is the maxim of extreme Epicurism; and though the Stoic might say, through the force of his will, 'I die to-morrow, yet I will do the right'—this preference of the right above all things will be found in the long run to have more affinity for the 'immortal longings,' than for any mere system of materialism. As a matter of fact, we find that the Roman Stoics came gradually to blend the thoughts of another life with the practice of their stern virtue. Cleanthes and Chrysippus had spoken only of a possible continuance of the souls of the wise until the next conflagration; but Cato fortified his last hours with ideas not drawn from these authorities, but from the *Phædo* of Plato. It may be questioned whether a frequent dwelling on the thought of suicide, as allowable and even praiseworthy, is most often accompanied, or not, by the belief in a future life. The first Stoics, by their precept and example, recommended the wise, on occasion, to 'usher themselves out'* of life. If suicide, thus dignified by a name, were an escape from mere pain or annoyance, it would be an Epicurean act; but as a flight from what is degrading—as a great piece of renunciation, it assumes a Stoical appearance. The passion for suicide reached its height in the writings of Seneca, under the wretched circumstances of the Roman despotism; but, on the whole, it belongs to immature Stoicism—Epictetus and Marcus Aurelius dissuaded from it. In saying this, we cannot for a moment pretend that the Stoical principle ever entirely purified itself from alloy; it was too wanting in objective elements—it had too little to draw men out of themselves ever to satisfy the human spirit, ever to be otherwise than very imperfect. Stoical pride will always be a just subject of reproach; for the development of the subjective element of morality necessary to the deepening of the thoughts of the world was overdone by the Stoics, and they supplied nothing in counterbalance. It is not as a complete system, or with any inherent capacity for completeness, certainly not as a rival to Christianity, that we regard the Stoical Idea; but rather as the manifestation amongst the Greeks and Romans of a peculiar kind of human tendency,—one which exists within Christianity also—which constantly appears in history, and which meets us in daily life.†

---

* ἐξάγειν ἑαυτούς,—ἐξαγωγή is the regular word with the Stoics for suicide.—Diog. Laert. VII. i. 66.

† This Essay, which cannot in the least aim at being exhaustive, has hitherto omitted all mention of the non-ethical doctrines of the Stoics, their threefold division of philosophy, and their achievements in the province of logic. Suffice it to say, that these were the less essen-

II. Let us turn now to watch the promulgation of that doctrine, the leading traits of which we have endeavoured to describe, and which was destined not to remain the property of a mere school in Athens, but rather to become an active influence among the Roman spirits, and to some extent a regenerating element in the last days of Pagan civilization. There was a direct succession, as we have seen above (p. 82), in the lists of the Stoic doctors from Chrysippus to Posidonius, and Posidonius was master to Cicero. During the interval spanned by these successive teachers (from 200 B.C.—50 B.C.), many circumstances turned the tide of philosophy towards Rome, and commenced the intellectual subjugation of the victors in the domain of thought as well as of imaginative literature. The first awakenings of the national curiosity are somewhat obscured. Aulus Gellius records a decree of the Senate, of the date B.C. 161, for banishing from Rome philosophers and rhetoricians, at the instance of M. Pomponius, the prætor. This fact appears to stand in isolation. Six years later (B.C. 155), we hear of the famous embassy of the philosophers sent from Athens to Rome to obtain the remission of a fine. Doubt* has been thrown on the reality of this event. But independent of the constant oral tradition from Scipio and Lælius down to Cicero, the historical certainty of the embassy is established by a reference which Cicero makes† to the writings of Clitomachus, a Carthaginian philosopher who settled at Athens, and was disciple to Carneades immediately

---

tial parts of Stoicism. Still they exhibit a characteristic approach to modern views. The division of science into logic, physic, and ethic, arose naturally out of the position which philosophy had assumed under Aristotle. But to give ethic and logic such an independent footing was original and modern. Small thanks are due to the Stoics for elevating logic, so-called, into a separate science. By so doing they have caused a great waste of human thought. With them, as ever since, logic was a vague name, including grammar, rhetoric, and metaphysics. They adopted and carried out the principles of the syllogism. One of their first questions was, as to the 'Criterium,' What is the test of truth in our ideas? They seem to have professed, on this head, a sort of 'natural realism,' and a theory of knowledge similar to that of Locke. This was a descent from the old philosophic height; it was in opposition to the scepticism of the New Academy, and was connected with their practical point of view. Chrysippus, however, as a dialectical *tour de force*, wrote six books 'against custom,' in which he collected all that could be said against common ideas arising from association. Plutarch says that his arguments on his own side were not of equal force. However, the Stoics remained true to their own theory as 'common-sense philosophers.'

* Mr. Merivale's *History of the Romans under the Empire*, ii. p. 511, note.

† *Academics*, ii. 45.

after the date assigned to the embassy, and who therefore is an undoubted authority for the facts. However, we may easily believe that the story has been decked out and improved. In some accounts, Carneades the Academic, and Diogenes the Stoic, are mentioned as the envoys; but other accounts, probably for completeness sake, add Critolaus the Peripatetic. And hence it came to be said* that these three represented the three styles of oratory—the florid, the severe, and the moderate. Cicero† tells us of a philosophic party at Rome, in compliment to whom these particular ambassadors were sent; while, on the other hand, Cato the Censor viewed with impatience their favourable reception, and urged upon the Senate their speedy dismissal. The most interesting anecdote connected with this embassy is that quoted from the works of Clitomachus,—that A. Albinus, the prætor, said to Carneades in the Capitol, before the Senate, 'Is it true, Carneades, that you think I am no prætor because I am not a wise man, and that this is no city, and that there is no true state in it?' To which Carneades replied, 'I don't think so, but this Stoic does.' This story amusingly represents the confusion in the mind of the Roman prætor, who did not distinguish between the philosophical schools, but was struck by the great paradox he had heard, and was not able to comprehend that inner point of view from which it was said that mighty Rome was no city, and the august prætor had no real office or authority at all.

The anti-philosophical party seem to have continued their exertions at Rome, and under the date 93 B.C., we read‡ of a decree of the censors Domitius Ænobarbus and Licinius Crassus against the schools in which a new sort of learning was taught by those who called themselves Latin rhetoricians, and where youths wasted their whole days in sloth. This decree is in fine grand Roman style; it says, 'these things do not please us.' But it was in vain to attempt resisting the influx of Greek philosophy, when the leading and most able men warmly welcomed it. Africanus, C. Lælius, and L. Furius were extremely pleased at the embassy, and always had learned Greeks in their company. A little later than 150 B.C., no one was more instrumental in recommending Stoicism to the Romans than Panætius of Rhodes, whose instructions in Athens were attended by Lælius and his son-in-law, C. Fanucius, and also by the conqueror of Carthage. Panætius accompanied the latter on his famous mission to the courts in Asia Minor and Egypt. He is always spoken of as the friend and

---

* Aulus Gellius, vii. xiv. 3. † *De Oratore*, ii. 37.
‡ Aulus Gellius, xv. xi.

companion of Scipio and Lælius. He is recorded to have sent a letter to Q. Tubero, on the endurance of pain. Not only by personal intercourse did Panætius influence the cultivated Romans, but also still more by his books. These seem to have been of a character eminently fitted for the comprehension of the Romans, being extremely practical, avoiding the harshness and severity of the early Stoics, and being free from 'the thorns of dialectic.'* One peculiarity above all, while it made Panætius a worse Stoic, made him at the same time a more attractive expositor of philosophy, and was only a fulfilment, after all, of the destiny of Stoicism—namely, his tendency to eclecticism. He constantly had Plato, Aristotle, Xenocrates, Theophrastus, Dicæarchus, in his mouth; he was always speaking† of Plato as divine, most wise, most holy, and the Homer of philosophers. We can form a very good conception of his writings from Cicero's work *On Offices*, which is taken almost exactly from Panætius' *On Things Suitable*. An extract *verbatim*, from the latter, is preserved by Aulus Gellius. It recommends those who are mixed up in affairs to be on their guard, like pugilists, against every sort of attack. It is in rhetorical style, and full of a sensible worldly prudence. Such prudence is no more alien from a particular phase of Stoicism, than it is from a particular phase of religion.

Posidonius (B.C. 135—50) maintained the same intercourse with the Romans, and the same eclectic tendencies as his master. After the death of Panætius (B.C. 112), he made some extensive travels for the sake of physical inquiry. At Cadiz he spent some time in observations on the sunset; he visited Sicily, Dalmatia, and other countries, and finally settled in Rhodes. Strabo, with a sympathy for his geographical knowledge, called him 'the most learned philosopher of the day.' In the year 86 B.C., he was sent as ambassador to Rome, and became acquainted with Marius. Pompey visited Posidonius twice in Rhodes (67 and 62 B.C.); and the story goes that on one of these occasions Posidonius, having a bad fit of the gout, discoursed from his bed to Pompey on the topic 'that virtue is the only good, and that pain is no evil.' Cicero also studied under him in Rhodes; and finally coming to Rome in his old age (B.C. 51), he died there a short time afterwards, having had as his hearers C. Velleius, C. Cotta, Q. Lucilius Balbus, and probably Brutus. Posidonius wrote a commentary on the *Timæus* of Plato, apparently to reconcile it with the Stoical physics. He approximated in some things to Aristotle, and even, it is said, to Pythagoras. On divination, however, he

---

* Cicero, *De Fin.* iv. 79. † Cicero, *Tusculan. Disputat.* i. 79.

reverted to the old Stoical view, abandoning the scepticism of Panætius. The ancients make mention of the elegance of his style; and Cicero, while dissenting from his opinions on fate and other subjects, speaks of him at the same time with the greatest respect.

Beside those Stoics who were of eminence and originality enough to advance, though only by amalgamation, the traditionary doctrine, there were by this time many others who received it merely and adopted it as an article of faith, without thinking of addition or change. Such was probably Antipater of Tyre, who became the friend and instructor of Cato the younger. And now we find, in the last half century before Christ, frequent instances of a new fashion in Rome—namely, for a great man to maintain a philosopher in his house, as in modern days a private confessor. Of this custom, Cato* of Utica was himself an instance, for he is reported to have made a journey to Pergamus with the express object of inducing the famous Stoic Athenodorus, surnamed Cordylion, to accompany him to Rome, in which mission he succeeded, and brought back the sage in triumph, who ended his days in the house of Cato. After this, at Utica, Cato appears to have had among the members of his family, Demetrius a Peripatetic, and Apollonides a Stoic. On the night before Cato's suicide, they disputed with each other on the paradox that the Wise Man only is free, Cato warmly supporting the Stoical side. Another† Athenodorus, of the same sect, but surnamed Cananites, was highly honoured by the great Augustus. Attracting the notice of the Emperor at Apollonia, where he held a school, he was invited to Rome, and had the young Claudius placed under his instruction. In his old age returning to Tarsus, he seems to have procured some advantages for his country through his influence with Augustus. Among the few works attributed to him, there is one with an eminently Stoical title, *On Earnestness and Education.*

Arguing by analogy from these external indications, we may imagine the Roman nation at this period imbibing Greek philosophy, or so-called philosophy, at every pore. The Romans, indeed, had not the slightest stomach for metaphysics, and in no one of their writers do we find any trace of a real acquaintance with the systems of Plato or Aristotle. But we can find abundant traces of an acquaintance with Epicurus and Chrysippus, and Panætius and Posidonius. The inducement of the Romans in taking up with this kind of

---

* Plutarch, *Cato Minor.* c. x.

† Smith's *Dictionary of Greek and Roman Biography, sub voce.*

literature was twofold—first, a natural affinity for practical moralizing and maxims of life; second, a rhetorical necessity—the desire to turn sentences, to be terse, apposite, and weighty. The constant practice of declamation gave an immense stimulus to the sermonizing tendency of the day, and as the despotism of the Empire shut up other subjects, declamation became more and more exclusively moral. Instruction under some Greek rhetorician became part of the education of a Roman youth, and in Athens, Rhodes, Marseilles, and Alexandria, everywhere throughout the great Roman world, Sophists and declaimers might be heard setting forth the theses of the different schools, among which the florid paradoxes of the Stoics were no doubt most striking and attractive.

The Romans who took any side in philosophy, invariably became either Epicureans, Stoics, or Academics, or else, as was not unfrequent, they combined* the Academical opinions on knowledge with the Stoical morals and some admixture of the Stoical physics. This was the case with L. Lucullus, with M. Brutus, and Terentius Varro. Cicero's creed we know to have been a learned and sensible eclecticism, a qualified Stoicism with a use of the Academic arguments, and an approach in some things to the Peripatetic views. Such a compound was suitable to a statesman and a man of letters; it exhibits acuteness, refinement, breadth of view, and an affinity to what is elevated in the different systems: but at the same time it avoids all extremes, and shuns that unity of principle on which philosophy, properly so called, depends. When such a balance as this was wanting, the Romans joined the opposite ranks of the Stoics or the Epicureans. To either side they had certain elements that inclined them. Their capacity for the physical enjoyment of life, their taste for rural ease and the delights of their beautiful villas, and that healthy realism which we find expressed by Lucretius, all tended to recommend the Epicurean doctrine to the Romans. And added to these predisposing causes, was the fact that the first book of philosophy written in the Latin language was the work of one Amafinius,† setting forth Epicurism. This treatise, though of no merit according to Cicero, had immense influence, and brought over the multitude to adopt its views. Other works of a similar character followed, and through their popular style 'took possession of the whole of Italy.' Of this phase of feeling hardly any trace remains to us, if we except the splendid poem of Lucretius,

---

* Ritter's *History of Ancient Philosophy* (translated by Mr. Morrison), vol. iv. pp. 78, 79.

† Cicero, *Tusc. Disp.* ii. 3; *Acad.* i. 2.

and the record of one or two great names among the Roman Epicureans, such as Atticus, the friend of Cicero, Cassius, the murderer of Cæsar, L. Torquatus, and C. Velleius. Perhaps its most lasting result was the spread of 'a wisdom,' as Livy calls it, 'which had learned to despise the gods.' Epicurism was transient in Rome, like Sentimentalism in England, because alien to the national characteristics; for on the whole the Romans were far more disposed to energy and sublime virtue, and the conquest of external circumstances, than to easy and harmonious enjoyment. Without a great intellectual capacity for the apprehension of the universal, there was yet something abstract about their turn of mind; this is shown in their love of law, and in the sternness of the high Roman mood. It has been often said that the old Roman worthies were unconscious Stoics. And now, from Cato to M. Aurelius, we find through the Roman empire an immense diffusion of Stoical principles and of the professors of Stoicism.*

III. These professors assumed, it appears, not only distinctive principles, but also certain external marks and badges of their sect. We read in Juvenal† of the 'long-robe' as synonymous with Stoicism; in Persius we read of their close-cropped hair,‡ and their look of having sat up all night; in Tacitus,§ of their set countenances and gait expressive of virtue. Like their Jewish counterpart, the Pharisees, they were formal, austere, pretentious, and not unfrequently hypocritical. Under the mask of asceticism, they appear sometimes to have concealed gross licentiousness,‖ and under their sanctimonious face the blackest heart. With bitter indignation does Tacitus¶ record the perfidy of Publius Egnatius Celer, the Stoic phi-

* Among the most celebrated of these is to be named Q. Sextius, contemporary with Julius Cæsar, who founded a school. This school, Seneca tells us (*Quæst. Nat.* vii. 32), began with great *éclat*, but soon became extinct. He says of Sextius that he was 'a great man and a Stoic, although he himself denied this.' Sextius appears to have followed Pythagoras in some points, and to have enjoined abstinence from animal food. Sotion, the disciple of Sextius, was Seneca's master, and induced him to practise this kind of asceticism at one time; but after a year's trial of it, he was persuaded by his father, who 'hated philosophy,' and who dreaded the imputation of certain foreign superstitions, to return to the common mode of diet. (*Ep.* cviii.) What is most remarkable about Sextius is his daily habit, according to Seneca (*De Ira*, iii. 36), of self-examination. This shows the spirit of the times.

† 'Facinus majoris abollæ.'—*Sat.* iii. 115.

‡ 'Insomnis—et detonsa juventus.'—*Sat.* iii. 54.

§ 'P. Egnatius—auctoritatem Stoicæ sectæ præferebat, habitu et ore ad exprimendam imaginem honesti exercitus.'—*Annal.* xvi. 32.

‖ 'Frontis nulla fides, quis enim non vicus abundat
Tristibus obscœnis?'—Juv. *Sat.* ii. 8.

¶ *Ann.* xvi. 32, 33.

losopher, the client, the instructor, and the false friend of Barea Soranus, whom, with his daughter, he betrayed to Nero, by giving the lying evidence which procured their deaths. Such cases as this, however, are to be regarded like stories of the corruption of priests and monks, and to be judged apart, as giving no sufficient clue to the working of the system. Partly they illustrate the maxim that 'that corruption is worst which is the corruption of the best;' partly they show that an elevated and spiritual creed is apt, by the very nobleness of its appearance, to attract unworthy followers. We may also add that, beside the antinomian tendencies which might logically be connected with this creed,* there was a narrowness in the intensity of Stoicism, and an abstract unreality about its ideas, not favourable to the development of the more human virtues. Acknowledging these things, we may turn away from this ungracious side of the system, and leave it to the tender mercies of the satirists. For even externally, Stoicism, on the whole, presented a better aspect and won a better opinion than this from intelligent observers during the early Roman empire. Nothing can be more significant than the accusation brought against C. Rubellius Plautus† by Tigellinus. This Plautus was son of Julia, and great-grandson of Tiberius. Becoming an object of suspicion to Nero, he retired—not from the Roman world, for that was impossible, but from the court—to Asia, where he lived in the pursuit of the Stoic philosophy. Tigellinus, to stir up Nero's hatred against him, declared, 'That man, though of immense wealth, does not even pretend a wish for enjoyment, but is always bringing forward the examples of the ancient Romans. And he has now joined to these ideas the arrogance of the Stoics—a philosophy which makes men turbulent and restless.' It is easy to see that this accusation was a panegyric. It was followed up by an order sent from Nero that Plautus should be put to death. His friends counselled resistance, but Cæranus and Musonius Rufus, two philosophers who were with him, preached the doctrine of resignation and fortitude; and armed with their suggestions, he met his death unmoved. This manner of death and life was not confined to Plautus: the reigns of Claudius and Nero exhibit a constellation of noble characters, formed on the model of the younger Cato, and showing the same republican front and the same

---

* See above, p. 92.

† Tacitus, *Annal.* xiv. 57. Cf. Plutarch, *Vit. Cleom.*—Ἔχει τι ὁ Στωϊκὸς λόγος πρὸς τὰς μεγάλας καὶ ὀξείας φύσεις ἐπισφαλὲς καὶ παράβολον· βαθεῖ δὲ καὶ πράῳ κεραννύμενος ἥθει μάλιστα εἰς τὸ οἰκεῖον ἀγαθὸν ἐπιδίδωσι.

practical conception of Stoicism as he did. Such were Cæcina Pœtus and his heroic wife Arria, who died at the command of Claudius. Such was Soranus Barea, already mentioned, and such Thrasea, and his son-in-law Helvidius. Seneca, too, in his death, at all events, must be added to the list—a list of martyrs at a time when all good eminence was sure to attract the stroke. There is something perhaps theatrical and affected about the record of these death-scenes. When we think of Cato arguing on the freedom of the wise man, and then reading the *Phædo* through the night, before he stabs himself; when we think of Thrasea pouring out a libation of his own blood to Jupiter the Liberator, and discoursing in his last moments with the Cynic Demetrius on immortality—it seems as if these men had played somewhat studied parts. Such scenes appeal to the rhetorical faculty, rather than to the imagination and the heart. But it is the privilege of certain unhappy periods to be rhetorical. It is the privilege of patriots in miserable days to be excited, strained, unnatural. And hence we can understand how it was that from the Girondists in France the Roman Stoics obtained such sympathy and admiration.

And now let us take some notice of the character and the thought of Seneca, a man who has been most differently estimated, according to the temperament of his judges, and according as he has been taken at his best or his worst. Probably we may admit almost all the accusations against him, and yet end without judging him too hardly. When just rising into success, Seneca was banished by Claudius, on an obscure charge preferred by Messalina. From Corsica, his place of banishment, he addressed what was called a 'Consolation' to Polybius, the freedman of the Emperor, on the death of his brother. Seneca's object in this 'Consolation' was to effect his own recal, and the means he used were the most fulsome and cringing terms of flattery towards Claudius. His mean adulation quite failed in obtaining his pardon; and he was only recalled after eight years' exile, through the influence of Agrippina, who made him tutor to her son Domitius, the future emperor Nero. In the museum at Naples one sees frescoes brought from Pompeii, which represent a butterfly acting as charioteer to a dragon. These designs were meant to caricature the relationship of Seneca to his pupil Nero. No doubt he was drawn violently and without the power of resistance through much that was unseemly by his impetuous charge. No doubt he tried, with the help of Burrus, to keep the reins straight. But he was obliged to connive and even assist at things which made people say, with

natural surprise, 'This is a strange part for a Stoic to play.' The poor painted butterfly behind the dragon could not choose what part he should play. Other things that have been complained of in Seneca are his violent reaction of spite against Claudius, shown in the satire which he wrote upon his death; his reputed avarice, and the enormous fortune which in a short time he actually amassed under Nero; certain scandalous intrigues, with regard to which there really is not evidence enough to enable us to say whether Seneca was guilty of them or not; and lastly, his possible complicity in the murder of Agrippina. Seneca was no Roman, but a Spaniard, and we can fancy how the milk of his flattery towards Claudius turned sour during his eight years' exile, and how deep resentment settled in his heart. With regard to his accumulating wealth when it was in his power to do so, we may perhaps explain it to ourselves, by remembering that many ecclesiastics professing a still more unworldly creed than Stoicism, have done the same. With regard to his privity to the death of Agrippina, all that can be said is that Seneca was, towards the end of his career, so thoroughly scared by Nero, that all power of independent action was taken from him. Physically timid and gentle by nature, Seneca was not born to play a consistent and unyielding part. Considering his hideous position, we may well condone his offences. If we study his writings, and especially his letters, we shall see that he possessed one essentially Stoical characteristic, namely, the intense desire for advance and improvement. The picture of the inner life of Seneca, his efforts after self-discipline, his untiring asceticism, his enthusiasm for all that he esteems holy and of good report—this picture, marred as it is by pedantry, and rhetoric, and vain self-conceit, yet stands out in noble contrast to the swinishness of the Campanian villas, and is in its complex entirety very sad and affecting.

The works of Seneca are over-harshly judged by those who have no taste except for metaphysical philosophy, or who, expecting to find such in Seneca, have been disappointed. But if we approach these writings from a different side, and look at them historically and psychologically, as the picture of the times and the man, we find them full of interest. If we can endure being a little cloyed with excess of richness in the style, if we can pardon occasional falsity and frequent exaggeration, we shall discover in them a most fertile genius, and a vein of French wit, so to speak, which is always neat and clever, and often surprising on the tritest moral subjects. Of all sets of letters that have ever been preserved, there is none that exhibits better and more vividly the different phases of a

peculiar idiosyncrasy—of a mind under the dominion of a peculiar kind of thought—than the *Epistles* of Seneca. Let us take a glance at the more striking features of their contents, and see what sort of a working in the heart was produced by Stoicism under the circumstances of the case. The *Epistles* of Seneca consist of one hundred and twenty-four letters, written almost continuously in the old age of their author, and all addressed to a person of the name of Lucilius. The first point to be noticed about them is their entire abstraction from all public events of the day, an abstraction very Stoical in itself, and very significant also of the ungenial atmosphere of the political world. Only one allusion is there to Nero, where Seneca takes occasion (*Ep.* 73) to find fault with the opinion that philosophers are necessarily turbulent and refractory, and despisers of the ruling power. 'On the contrary,' he says, 'none are more grateful to him who affords them security and tranquillity of life. They must regard the author of these blessings in the light of a parent.' 'Like Tityrus, they must say that a god has provided them tranquillity, and left their cattle to roam and themselves to play the pipe.' 'The leisure thus granted them is indeed godlike, and raises them to the level of the gods.' In such terms does Seneca appreciate the hours of gilded oppression and treacherous reprieve which were conceded him. Most naturally the topics of his correspondence were not political. His letters were uniformly didactic and moral. In them we see developed the passion for self-improvement and for the cultivation of others. Both by nature and from the influences of Stoicism, Seneca was essentially a schoolmaster; it was evidently the foible of his life to be bringing some one on; he was a pedagogue to himself, and he wanted somebody else whom he might lecture. Of this tendency Lucilius was made the victim. On one occasion he seems to have remonstrated, and to have reminded Seneca that he was forty years of age, and rather old for schooling (*Ep.* 25). But Seneca will not be deterred. He says it shall not be his fault if his friend does not improve, even though the success be not very brilliant. In every shape and from every side he urges upon him cultivation, and once fairly tells him he cannot remain on the footing of friend unless he cultivates himself and improves (*Ep.* 35). He hails his good deeds with triumph; rejoices to hear that Lucilius lives on terms of familiarity with his slaves (*Ep.* 47)—'are they not,' he asks, 'men like ourselves, breathing the same air, living and dying like ourselves?'—praises a book he has written, lectures him on the economy of time (*Ep.* 1); tells him to be select in his reading (*Ep.* 2); bids him examine himself to see whether he is progressing in

philosophy or in life, since only the latter is valuable (*Ep.* 16); above all, exhorts him without ceasing to get rid of the fear of death, 'that chain which binds us all' (*Ep.* 28), though he is half afraid, as in one place he naïvely confesses (*Ep.* 30), that Lucilius may come to dread his long-winded letters more even than death itself. However, as a compensation, he promises his friend that these epistles shall ensure him a literary immortality, just as the letters of Cicero had made the name of Atticus immortal (*Ep.* 21).

Such is a specimen of the didactic element in the letters of Seneca; the indications of his own self-discipline and conscious self-culture are equally pregnant and still more characteristic. One sentence of his might be taken as the summary and expression of his entire spirit. In speaking of the state of the 'advancing man' as distinguished in Stoical parlance from the 'wise man,' he says (*Ep.* 71), 'It is a great part of advance to will to be advancing. Of this I am conscious to myself; I will to advance, nay, I will it with my whole heart.' In the will thus fixed and bent there is often a sort of unreal triumph, independent of actual success or failure. Seneca does not conceal from us his failures in realizing his conception of philosophic behaviour. But while he confesses, he is never humbled. Rather he seems proud of detecting his own falling off. On one occasion (*Ep.* 87) he relates an excursion which he made into the country with a friend, and in which he says they spent 'two delightful days.' They took very few slaves, and one rustic vehicle. On meeting with persons riding in grander equipages, he tells us, he could not refrain from blushing, and secretly wished that they should not think that this sordid conveyance belonged to *him*. 'I have made but little progress as yet,' he sighs, 'I dare not yet openly assume frugality. I mind the opinions of passers-by.' Whereupon he proceeds to lecture down this weakness in the grandest terms, and occupies many pages of a letter in proving that riches are not a good. On another occasion he recounts a voyage which he had undertaken from Naples to Puteoli (*Ep.* 53). In these few miles the sea became rough, and the philosopher grew sick, and unable to endure the horrible sufferings of his position, he commanded the pilot to set him ashore. 'As soon as I had recovered my stomach,' he says, 'I began to reflect what a forgetfulness of our defects follows us about.' Pursuing this train of reasoning, he enters upon the praises of philosophy, and soaring far above sea-sickness, he exclaims, 'Philosophy sets one above all men, and not far behind the gods. Indeed, in one point the wise man might be said even to surpass the Deity; for the Deity

is fearless by the gift of nature, but the wise man by his own merits.' This last saying, which is often quoted against Seneca, is perhaps the most foolish thing he ever said, and must not be taken as an average specimen of his thoughts. One failure which he ascribes to himself may be justly reckoned as a merit; for while dissuading Lucilius (*Ep.* 63) from overmuch grieving at the loss of a friend, he says, 'I myself so immoderately wept for Annæus Serenus, that I must rank among the bad examples of those who have been overcome by grief.' And he reflects that the reason of this weakness must have been that he had not sufficiently considered the possibility of his friend dying first. We may also attribute it to the existence in Seneca of an affectionate heart, which had not been entirely supplanted by the abstractions of Stoicism, nor entirely 'sicklied o'er by the pale cast of thought.' After alluding to cases where Seneca confessed to have fallen from the philosophic height, it is surely fair not to leave unrecorded an occasion where he effected an important triumph of the will. The kind of self-discipline chosen was somewhat surprising; it is related in the Fifty-eighth Epistle, where Seneca tells his friend that he had taken lodgings 'over a bath.' He details with minuteness the various mixed and deafening sounds by which his ears were perpetually assailed. He could hear distinctly the strong fellows taking their exercise—throwing out their hands loaded with the dumb-bells—straining and groaning—hissing and wheezing—breathing in every kind of unnatural way—at another moment some one having his shoulders slapped by the shampooer—a hue and cry after a thief—a man practising his voice in the bath—people leaping and splashing down into the water—the various cries of the piemen and sellers of baked meats, as they vended their wares—and several other sounds, to all of which Seneca compelled his mind to be inattentive, being concentrated on itself. The power of abstraction gained by such a discipline he seems to have thought very valuable. At the end of his letter, he declares that as the experiment is quite successful, and as the sounds are really abominable, he has now determined to change his quarters.

About such moral peddling as this, there is of course nothing great. But the spirit which actuates it, is in its origin deep and good, and is only not admirable when it becomes perverted. The conscious desire for moral progress becomes unfortunately very easily perverted; it degenerates too often into small self-analysis, and that weak trifling which is most utterly opposed to real progression. We find Seneca remaining in his moral nature a strange mixture of the pedant

and the school-boy; on the one hand always teaching himself, and on the other hand with everything to learn; and yet still, with all its imperfections, we may question whether this attitude is not more human and better than anything like an Epicurean acquiescence and content in one's nature as it is. That self-reflection, that communing of man with his own heart, which the tendencies of Stoicism and the course of the world's history had now made common, produced in Seneca occasionally intuitions into the state of the human race, which he expresses in language curious to meet with in the writings of a Pagan. He says (*De Clementia*, i. 6):—

> Conceive in this vast city, where without cease a crowd pours through the broadest streets, and like a river dashes against anything that impedes its rapid course—this city, that consumes the grain of all lands—what a solitude and desolation there would be if nothing were left save what a severe judge could absolve of fault. We have all sinned (*peccavimus omnes*), some more gravely, others more lightly; some from purpose, others by chance impulse, or else carried away by wickedness external to them; others of us have wanted fortitude to stand by our resolutions, and have lost our innocence unwillingly and not without a struggle. Not only we *have* erred, but to the end of time we shall continue to err. Even if any one has already so well purified his mind that nothing can shake or decoy him any more, it is through sinning that he has arrived at this state of innocence.

Those who have been anxious to obtain the authority of Aristotle for the doctrine of 'human corruption,' will find on consideration that this idea, which was historically impossible for a Greek of the fourth century B.C., came with sufficient vividness into the consciousness of persons in the position of Seneca, but not till much later than Aristotle, probably not before the beginning of our era. On the other hand, we are not to fancy that the thoughts of Seneca received any influence from Christianity. The stories of his intercourse with St. Paul are merely mythical. We learn from passages like that above quoted, not that Seneca had any acquaintance with Christian doctrines, but that some of the thoughts and feelings which St. Paul had about the world were held also by Pagans contemporaneous with him.

There is one more characteristic of the letters of Seneca which ought not to be left unmentioned, and that is, the way in which they are perpetually overshadowed by the thought of death. The form assumed by this *meditatio mortis* is a constant urging of arguments against fearing to die. These arguments are, as might be expected, infinitely varied and ingenious. 'Death,' he says, 'lurks under the name of life. It begins with

our infancy.' 'It is a great mistake to look forward to death, since a great part of it is already over. We die daily' (*Ep.* 1). 'Death is no punishment, but the law of nature.' 'Children and idiots do not fear death, why cannot reason attain to that security which folly has achieved?' (*Ep.* 36). 'Death is the one port in a stormy sea—it is either end or transition (*aut finis est aut transitus*)—it brings us back to where we were before birth—it must be a gain or nothing.' 'The apparatus of death is all a cheat; if we tear off the mask, there is nothing fearful.' 'Behind fire and steel and the ferocious crowd of executioners there is death hiding—merely death, which my slave or my waiting-maid has just despised' (*Ep.* 24). Not content with bringing forward these considerations dissuasive of terror, Seneca in other places does all he can to familiarize the mind with the idea of suicide. He says, 'There is nothing more contemptible than to wish for death. Why wish for that which is in your power?—die at once, if you wish to do so' (*Ep.* 117). He relates with approbation the suicide of his friend Marcellinus, who being oppressed with a long and troublesome invalidism, was recommended by a Stoic to give up the trivial round of life; whereupon, having distributed his goods among his weeping slaves, he effected death by a three-days' abstinence from food, betaking himself to a hot bath when his body was exhausted, wherein he fainted and died (*Ep.* 77). Other instances of self-destruction are scattered through the letters of Seneca, some of which give a sad illustration to the unhappiness of the times. It seems to have been not uncommon for the wretched captives who were doomed to the conflicts of the arena, to steal themselves away, sometimes by the most revolting modes of death. And it is surely a miserable sign when cultivated men of the day look on such deeds with pleasure and admiration. So great was the tendency to suicide under Claudius and Nero, that even Seneca on one occasion acknowledges that it is excessive. He says, 'We ought not to hate life any more than death, we ought not to sink into that mere life-weariness to which many are prone who see nothing before them but an unvarying routine of waking and sleeping, hungering and eating.' But the majority of Seneca's arguments are in the other direction. They are the results of a deep sense of unhappiness and insecurity, which existed side by side with his philosophic self-complacency. They were connected, on the one hand, with a timidity of nature and a real love of life; on the other hand, with a presentiment of evil and a sense of the necessity of preparing for the worst. When death suddenly and actually came upon Seneca,—like Cicero, he met it with fortitude, in

spite of his timidity, and probably not on account of his previous reasonings, but from an innate elevation of mind called out on emergency. We have observed that Seneca spoke of death as 'either end or transition;' this sums up his views of the future under an alternative. But his real tendency was to Platonic visions of the soul freed from the trammels of the body and restored to freedom. He is unwilling that Lucilius should arouse him from the 'pleasant dream' of immortality. He likes to expatiate on the 'tranquillity of mind and absolute liberty which await us when we shall have got away from these dregs of existence into the sublime condition on high.'*

It is a great contrast if we turn from Seneca to Epictetus. It is going from the florid to the severe, from varied feeling to the impersonal simplicity of the teacher, often from idle rhetoric to devout earnestness. No writings of Epictetus remain, but only (what is perhaps equally interesting for us) records of his didactic conversations, preserved as near as possible in his own words by Arrian, the historian, who studied under him at Nicopolis. Epictetus was a lame slave, the property of Epaphroditus, who was himself the freedman and the favourite of Nero. While yet a slave, Epictetus was won over to the Stoic doctrine by Musonius Rufus.† Obtaining his freedom, he taught in Rome, and afterwards, when the philosophers were banished from the city by Domitian, in Nicopolis of Epirus. What is most striking about his discourses is their extremely religious spirit, and the gentle purity of the doctrines they advocate. In them Stoicism reached its culmina-

* We have not entered upon the analysis of Seneca's philosophical works because, in short, they are not speculative and philosophical, but of the same moralizing stamp as his letters. It is, however, just to pay a tribute to the force of imagination shown by him in preconceiving the physical discoveries of future ages (see his *Naturales Quæstiones*, vii. 30). 'Quam multa animalia hoc primum cognovimus sæculo! quam multa negotia ne hoc quidem! Multa venientis ævi populus ignota nobis sciet. Multa sæculis tunc futuris, cum memoria nostri exolcverit, reservantur.' Through his vividness of mind, this Spaniard of the first century has got the credit of predicting elsewhere, in terms remarkably coincident, the discovery of America.

† Musonius Rufus, whom we have noticed before as the companion of Rubellius Plautus in Asia, 'returned from exile on the accession of Galba, and when Antonius Primus, the general of Vespasian, was marching upon Rome, he joined the ambassadors that were sent by Vitellius to the victorious general, and going among the soldiers of the latter, descanted upon the blessings of peace and the dangers of war, but was soon compelled to put an end to his unseasonable eloquence' (Smith's *Dict. of Greek and Roman Biog.*). He afterwards obtained the condemnation of Publius Celer, the traducer of Barea (Tac. *Hist.* iii. 81; iv. 10, 40). Fragments of his philosophy are preserved by Stobæus.

tion, and attained an almost entirely un-pagan character; its harsher traits were abandoned, and while Epictetus draws the picture of the wise man under the name of Cynic, there is hardly a trace of anything cynical in the life which he recommends. To mention the subjects of some of his discourses may serve to give an idea of their nature. The following headings strike the eye :—'On things in our power and not in our power.' 'How to preserve one's own character in everything.' 'How to follow out the conception that God is Father of mankind.' 'On moral advance.' 'On Providence.' 'On equanimity.' 'How to do all things pleasing to the Gods.' 'What part of a sin is one's own.' 'On moral training.' As might be conjectured, there is nothing speculative in these discourses. Epictetus both received and imparted philosophy as a fulfilling of the needs of the soul, not as a mere development of the intellect. His words on this and other subjects present very often a strange coincidence with the language of the Gospel. He says (*Dissert.* ii. 11, 1), 'The beginning of philosophy is the consciousness of one's own weakness and inability with regard to what is needful.' 'The school of the philosopher is a physician's house, you should not go out from it pleased, but in pain. For you come not whole, but sick—one diseased in his shoulder and another in his head' (*Dissert.* iii. 23, 30). 'Young man, having once heard these words, go away, and say to yourself, 'Epictetus has not spoken them to me (from whence came they to him?), but some kind god by his means. It would not have come into the mind of Epictetus to say these things, since he is not accustomed to reason with any one. Come, then, let us obey God, lest we should move God to anger.''* 'The true Cynic should recollect that he is sent as a messenger from Zeus to men, to declare to them concerning things good and evil, and to show them that they seek good where it is not to be found, and where it is to be found they do not desire it' (*Dissert.* iii. 22, 23).

With regard to the manifestations of Providence, Epictetus says (*Dissert.* i. 16, 19) :—'What, then; since ye are all blind, is there not need of one who should fill up this place, and sing in behalf of you all the hymn to God? Of what else am I capable, who am a lame old man, except to sing the praises of God? Were I a nightingale, I would do as the nightingale; were I a swan, I would do as the swan. But now, since I have reason, I must sing of God. This is my office, and I perform it, nor will I leave my post, as far as in me lies, and I exhort you to join in the same song.' 'If any one will properly feel this truth, that we are all especially born of God, and that

---

* ἵνα μὴ θεοχόλωτοι ὦμεν (*Dissert.* ii. i. 36.)

God is the father of men and gods, I think that such an one will henceforth allow no mean or unworthy thoughts about himself. If Cæsar were to adopt you, would not your pride be unbearable; and now that you are the son of Zeus, will you not be elated?' (*Dissert.* i. 3, 1).

Such sayings as these are a specimen of the vein of piety which runs through the teachings of Epictetus. In moral life, he exhorts to purity, equanimity, and forgiveness of injuries. He draws a broad line of distinction between things in our power and things out of our power. Within our power are the will and our opinion of things; beyond our power, the body, possessions, authority, and fame. The will itself nothing can touch; bonds, imprisonment, and death itself, do not impair the internal freedom of the will. Lameness impedes the leg, but not the will. True wisdom and happiness consist in placing all one's thoughts and hopes on things within our power,—that is to say, on the will itself and the internal consciousness. This attitude will render happiness impregnable, for the wise man will enter no contest save where he is sure of the victory.

In an exaltation of the will, and in thus withdrawing into its precincts, the Stoicism of Epictetus declares itself. To some extent he provided an objective side for his thought, by the pious and theological reflections which he introduced into his philosophy. But these were not sufficiently made to pervade his whole system, and with regard to the question of immortality he contented himself, as far as we know, with certain brief remarks, implying the utter resolution of personality after death. 'Come,' he says, 'but whither?—to nothing dreadful, but only to what is near and dear to thee, to the elements whence thou hast sprung' (*Diss.* iii. 13, 14). 'This is death, a mighty change, not into the non-existent, but into what is now non-existent. 'Shall *I* then not exist?' No, *thou* wilt not exist, but something else of which the universe has need' (*Diss.* iii. 24, 95). While placing the will in our own power, Epictetus at the same time adopted an entirely necessarian scheme. He followed Plato in making vice the result of ignorance, and he considered that men differed from brutes, not in freedom, but only in consciousness (*Diss.* ii. 8, 4).

The same spirit as that of Epictetus the slave, expresses itself in Marcus Aurelius the emperor, whose thoughts have come down to us in the shape of a monologue in twelve books. These two last great Stoical writers appear both to have been influenced by Neo-Platonic views, for which Stoicism, on its spiritual side, had a considerable affinity. The weakness of humanity is a leading idea with M. Aurelius.

Of human life, he says (ii. 17), the duration is a point; the sub-

stance is fleeting; the perception is dim; the fabric of the body is corruptible, the soul is an idle whirling; fortune is inscrutable, and fame beyond our judgment. In short, all that there is of the body is a stream, and all that there is of the soul is a dream and a smoke. Life is a war, and a lodging in a strange country; the name that we leave behind us is forgetfulness. What is there, then, that can conduct us? Philosophy alone. . . . Oh, my soul! wilt thou ever be good, and simple, and one, and naked, and more transparent than the body which clothes thee? Wilt thou ever be full and without a want, desiring nothing, hankering after nothing, whether animate or inanimate, for the enjoyment of pleasure, but content with thy present condition? (x. 1.)

Such are the mystical ecstasies into which Antoninus rises in communing with himself. With these, honest self-examinations and humility of feeling are often combined, and the whole is tempered by a cold spirit of Stoical resignation. Of the philosophy of the Emperor, we need not add anything further beyond one slight point, namely, that we find in him* the same psychological division of man into body, soul, and spirit, as was employed by St. Paul. The mode of expression, however, is slightly different, showing that there was no direct borrowing, but only a general community of view. We may take our leave of the monologue of Antoninus by quoting from it his feeling about the Christian martyrs. 'The soul,' he says, 'when it must depart from the body, should be ready to be extinguished, to be dispersed, or to subsist a while longer with the body. But this readiness must proceed from its own judgment, and not from mere obstinacy, as with the Christians; it must be arrived at with reflection and dignity, so that you could even convince another without declamation' (xi. 3).

In Marcus Aurelius we appear at first sight to have the desire of Plato fulfilled. We see a philosopher on the throne. But even absolute power does not give influence or sway. Plato wished the whole State to bend and turn under the control of omnipotent wisdom, as the limbs of a man would follow the impulses of his mind. But very far was Marcus Aurelius from being gifted with that sort of electric force which could put itself out and transform the world, even if the Roman empire were not too huge and too corrupt for such a process. Philosophy in general must be considered as something incapable of coming immediately into contact with politics and

---

* Ὅ τί ποτε τοῦτό εἰμι σαρκία ἐστι καὶ πνευμάτιον καὶ τὸ ἡγεμονικόν (ii. 2; cf. iii. 16). Σῶμα, ψυχή, νοῦς (xii. 3). Τρία ἐστίν ἐξ ὧν συνέστηκας, σωμάτιον, πνευμάτιον, νοῦς (cf. St. Paul, *Thessal.* i. v. 23.) Τὸ πνεῦμα καὶ ἡ ψυχὴ καὶ τὸ σῶμα. The πνεῦμα of St. Paul answers to the νοῦς or ἡγεμονικὸν of Antoninus.

practical life, and the philosophy of Antoninus consisted peculiarly in a withdrawal from the world, in self-examination, moral progress, and thoughts about God. While the Emperor was thus busied more with his own soul than with penetrating State reforms, the world enjoyed a halcyon time. The ruler was mild, just, and forgiving; he had only one deficiency, but that the greatest which could possibly attach to him, namely, an utter want of insight into character. The sole exception to his clemency was that excited probably by the narrow malignance of his fellow Stoics—he condescended to persecute the Christians. The adoration of the people showed how much the gentleness of Marcus Aurelius was appreciated,—but it is not the mild monarchs who leave permanent blessings to their country. Among his most public tastes, seems to have been a fondness for jurisprudence; he produced several volumes of *Constitutions*. This province of industry was the one most attractive of the day. In the absence of literature, Roman jurisprudence is the one great and lasting product of the age of the Antonines. And now a word must be said upon an often mooted and never thoroughly discussed subject—the influence of the Stoic philosophy upon Roman law. Acquaintance with Grecian philosophy in general began at Rome contemporaneously with a change in the laws. The first epoch of Roman law was an epoch of rigid forms, and a narrow but coherent system, exclusively adapted to Roman citizens. Commerce and conquest made it necessary that law should widen so as to embrace the inhabitants of the Italian States. Hence the growth of the prætors' adjudicating power. By degrees the decisions of the prætors in regard to the hitherto over-exclusive laws of property and the rights of persons born out of the Roman city, grew up into a body of equity by the side of the civil law. This body of equity, which was framed on the principles of natural reason, of course reflected the highest general enlightenment and the most cultivated ideas of the jurisconsults of the day. We have already seen that during the first and second centuries B.C., the most eminent Romans attached themselves to the direct study of Greek philosophy. To the list of the disciples of the Stoics, we may add some names more immediately connected with jurisprudence. Q. Mutius Scævola (as well as Q. Ælius Tubero) appears to have been among the hearers of Panætius. C. Aquilius Gallus and Lucilius Balbus, distinguished jurisconsults of the time of Cicero, studied again under Scævola; and Balbus, who in Cicero's *De Naturâ Deorum* is made the expositor of the Stoical view, was teacher of Servius Sulpicius. Equity attained in the eyes of such persons an immense preference over the civil law. To this tendency of opinions Cicero gave a great stimulus,

maintaining, as he did always, that justice must be based on humanity and reason, and 'that the source and rule of right were not to be sought in the laws of the Twelve Tables, but in the depths of the human* intelligence.' Now, if we wish to form an idea to ourselves of the sort of way in which philosophy at Rome influenced jurisprudence, we may think of the philosophy of Cicero, that is, a philosophy not exclusively Stoical, but eclectic, practical, and human. Even the philosophers of the Stoic school themselves were by this time, as we have seen, all eclectic. Much more, then, would the lawyers avoid any rigid adherence to one set of formulæ; they would be sure to accept a certain mixture and modification of views. A number of humane and enlightened principles were now diffused, and it is perhaps true that the most noble of these ideas were due to Stoicism—as, for instance, the cosmopolitan thought, that the world is our State, and that mankind are of one race, being all the children of God. But it is true also that the general course of history had tended to foster and develope this and other ideas which Stoicism forcibly enunciated.

In the growth, then, of the Roman 'Jus Gentium,' and in the amelioration and softening of many austere legal usages (as, for instance, the absolute authority of fathers over their children), we see not simply and solely the influence of Stoicism, but of a generally enlightened practical philosophy, in which Stoicism was not more than an important element. But besides the material alterations which occurred in the spirit of the Roman laws, besides the era of the Jus Prætorium, we must look in another direction—to the era of 'codification,' if we wish to trace philosophical influences. An eminent authority maintains that 'the Stoical philosophy was to Roman jurisprudence what Benthamism has been to English law'—namely, a directing influence that came into play in the absence of any absolutely determining causes. These two principles of action might be said to be diametrically opposite to each other, for Benthamism, which looks to utility, commences with the concrete; while it is the essence of Stoicism to take an abstract point of view. The political writings of Zeno and Chrysippus are lost, and we know not the details of the 'universal state' as conceived by the former, but we may be sure that if Stoicism had had the framing of the laws for the Roman empire entrusted to its hands, there would have been a logical deduction from the principle of the natural freedom and equality of the whole human race. But what do we find? That slavery, even under Justinian, was mitigated,

* Mr. Merivale's *History of the Romans under the Empire*, vol. ii. p 528.

and not abolished; that men of different ranks were not equal in the sight of the law; that the civil incapacity of women (which Zeno had denied) still remained; that the application of cruel punishments, and even of torture, were treated by the new codes in a way which showed more a respect for existing usage and for the old statutes than a disposition to legislate synthetically from philosophical principles. 'Gaius, Ulpian, Papinian, and Paulus, appear very timid by the side of Seneca and Epictetus.'* Perhaps this belongs of necessity to the progress of jurisprudence, that it must not break too hastily with the past; but we are obliged, if this view be correct, to confine the influence of Stoicism on Roman law to the introduction of an idea of form, to the endeavour to bring the actual under the scope of certain abstract formulæ. We must not expect to find the logical and systematic development of these formulæ, but rather we must recognise a frequent antithesis between abstract principles and the details where one might have expected them to be applied. And yet, again, it appears, if we look a little further, that the philosophical ideas to which the Jurists appealed, though not immediately triumphant over all other considerations in the Roman Code, did yet in some cases come into direct application; and what is of far more importance, that these principles being enunciated with reverence, were held up for the admiration of posterity, and so came to exert an influence on the whole bearing of subsequent jurisprudence. When we read in the *Digest* the stately preamble concerning the Jus Naturale—which nature has taught all animals, and which is prior even to the Jus Gentium prevailing among the human race—we are apt to be most struck with the abstract and, we might almost say, futile appearance of such a principle, followed out afterwards with so little consistency. But the idea of the 'Law of Nature,' enunciated here and elsewhere in the Roman Code, being taken up by Grotius and the Continental Jurists, became a leading idea of jurisprudence, the characteristic principle of a particular school, and the antithesis of Benthamism. What is the meaning of this conception, the 'Law of Nature,' and whether it has any reality or value as separate from, or opposed to, utility and experience, is a matter of keen debate amongst philosophical Jurists. It is not the province of the present Essay to enter upon this question. That which is our concern we may dismiss with only two remarks of recapitulation:—First, the idea of the Law of Nature, as introduced into the Roman law, was not by any means purely

* M. Denis, *Histoire des Théories et des Idées Morales dans l'Antiquité*, vol. ii. p. 215. Paris, 1856.

Stoical, but was the result of the general growth of ideas in the first century B.C., and was vividly apprehended by the eclectic and practical Cicero; second, this idea, though subsequently so influential, was not by any means uniformly applied in the details of the Corpus Juris.

Whatever fragments of Stoicism were preserved in the Roman law, descended, no doubt, as a contribution not only to modern law, but also to modern morals. In other channels the direct connexion of our own thoughts with the ancient Stoics is hard to trace, because long before modern thought began a separate existence, Stoicism had sunk into the world, and had influenced the ideas of men far beyond its own immediate school. But in acknowledging the influence of ancient civilization at all, in acknowledging the impress of Cicero and Tacitus, and even of the Fathers of the Church, we acknowledge to an appreciable extent a debt to Stoicism. This, while arising in the form of a Greek philosophy, was at the same time a reaction against the Grecian and the philosophical spirit. Hence its affinity to modern feelings. We have seen how it held up the delights of an inner life as preferable to all tangible and palpable enjoyments, however innocent they might be; we have seen how it drew the mind away from external realities into an abstract ideal; how it delighted in the conception of moral progress and the triumph of the will; how it developed the thought of duty and the responsibility of the individual; how, deserting the restrictions of national politics, it raised itself to conceive of all mankind as one brotherhood, each member standing in direct relation to God; finally, we have seen how, following its natural tendencies, Stoicism became more and more exclusively theological in its views. To some extent, then, this doctrine supplied the needs of the human soul and the want of a spiritual religion. Running parallel with Christianity, and quite uninfluenced by it, it yet exhibited the development of pure, gentle, and unworldly thoughts in the mind. It showed us how high it was possible for the Pagans to reach. At the same time it bore upon its face its own imperfection, its one-sidedness, and its unnatural and paradoxical character.

While Stoicism passed away the Stoical spirit has continued, and still continues to reproduce itself in the world. This spirit, in its extremest form, animates the various religious ascetics—Fakirs, Trappists, and the like. The Society of Jesus, like the school of the Stoics, was founded by those the intensity of whose moral will was more prominent than the fineness of their intellect. The parallel presented by Calvinism in its external gloom and its high necessarianism, to the Stoical system, has been already hinted at, and might be followed out at length. The Puritans stood to the Cavaliers

much as the Stoics to the Epicureans. We might say that changing sides, the same spirit manifested itself in the recurring austerities of the High-Church party, only here the attention to ceremonial showed a susceptibility to what is external alien from the Stoical tendency. Stoicism is essentially abstract; hence it is ungenial to the imagination and unfavourable to poetry. While the Epicurean school could boast of Lucretius as their poet, the ancient Stoics had only the crabbed satires of Persius, and the rhetorical verses of Lucan to set against him. In modern times two great works of the imagination have been claimed for the Stoical side, that is, for the Puritans; namely, Bunyan's *Pilgrim's Progress*, and Milton's *Paradise Lost*. These works coming from such a source must be said to be exceptional; though in the last resort no form of our religion is to be treated as if absolutely like Stoicism, or absolutely wanting in the objective element. However, in each of the works in question, traces of the spirit to which we refer can be readily traced: in Bunyan the basis of the whole conception is abstract, it is a detailed picture or history of an inner life; in Milton, also, the imaginativeness is sublime, but cold and unearthly, and the inspiration is drawn rather from a rich learning than from vivid impressions of external life. Stoicism, while deficient in that sensuous impressiveness which is necessary for poetry, is, on the other hand, extremely suitable for rhetoric, for splendid didactic preaching, for patriotic invocations, for historical *tableaux*. To this cause we may attribute the partiality manifested by the French, that nation with such perfect rhetoric and so little poetry, for the ancient Stoics and all belonging to them. In fact, the works of Seneca read like a fine French sermon, and Cato and Thrasea were a model to the Girondists. On quite other grounds we may say that there is a Stoical tinge also in the English character. It might be enough to allege that Puritanism is English; but independently of religious feeling, the tendency 'to shun delights and live laborious days,' to sacrifice life to an idea of success, this is Stoical because it is abstract. Of the spirit of Stoicism we may now take our leave, having seen in its various manifestations what it is. Existing by itself it is narrow and harsh, it has too great an affinity to pride and egotism, it is too repressive of the spontaneous feelings, of art, and poetry, and geniality of life. On the other hand, it is the stimulus to live above the world. Hence while the bare Stoical spirit, in whatever form, produces only an imperfect and repulsive character, a certain leaven of it, to say the least, is necessary; else would a man be wanting in all effort and aspiration of mind.

A. G.

HYMNS AND HYMN-WRITERS.

FULLER, in his quaint and caustic language, assigns as one chief reason for the translation of the Psalms into metre by T. Sternhold, H. Wisdome, and others—'men whose piety was better than their poetry, and they had drank more of Jordan than of Helicon'—that it was 'to make them more portable in people's memories (verses being twice as light as the self-same bulk in prose);' and he adds, that although 'many have since refined these translations, yet their labours therein were never generally received in the Church, principally because un-booklearned people have conned by heart many Psalms of the one translation, which would be wholly disinherited of their patrimony if a new edition were set forth.'

In the present day, all persons and parties would seem to agree in condemning alike the Old Version, which 'un-booklearned persons' were content to con with pleasure in Fuller's times, and the New Version, by which it was attempted in later days to 'disinherit them of their patrimony.' The reprobation, indeed, which they have, especially in modern times, almost invariably incurred, has been carried beyond what the real demerits of either version fairly justify. Sternhold, a somewhat singular medley—Groom of the Bedchamber to Henry VIII. and Edward VI., impropriator of the buildings and lands of the Priory of Bodmin, and versifier of the Book of Psalms—whatever may be thought of his poetic abilities, possessed, with his co-editors, a knowledge of the original Hebrew, which induced no less authorities than Bishops Beveridge and Horsley to defend the faithfulness of the Old Version as a just, accurate, and dignified rendering of the Psalms, which the allowance of the translation of King James I. 'never succeeded,' says Beveridge, 'in ousting.' Neither version possesses the direct authority of Convocation. Collier calls the Old Version a popular innovation during the first years of the Reformation; and the New Version rests only upon an

allowance 'by the Court at Kensington,' in 1696, 'for such congregations as shall think fit to receive it.'

Such as they are, there is no doubt that a far better selection might be arranged from both versions than any at present in existence—certainly one more edifying than that recently issued by the Society for Promoting Christian Knowledge; but as a specimen of the sacred poetry of the Church of England, paraded at the end of our Prayer-books, and believed by ninety-nine people out of a hundred to be really the only authorized vehicle of the uninspired praises of God, either version is humiliating to the taste of the nation, and cold, jejune, and utterly inadequate as an Hymnology for the use of the Church.

In truth, the idea of versifying the whole Book of Psalms is in itself little short of an absurdity. Mr. Keble confesses it to be an impossibility, and it is no disparagement of the abilities of those who have attempted so impracticable a task (and they comprise many names of no mean poetic eminence), to acknowledge that they have failed; it is more to their honour to have succeeded in certain particular Psalms, than it is to their discredit to have done others into metres which it is impossible to sing, or doggrel which it is difficult to peruse without an involuntary smile.

The Scotch Kirk has added to its version of the Psalms, some of which are not without a characteristic ruggedness of grandeur, a large selection of paraphrases of Scripture; and ever since the Reformation, irregular attempts seem to have been constantly made to introduce at the end of the Prayer-book metrical compositions which might satisfy, in some measure, that craving after rhythmic devotion which is an unquestionable characteristic of uneducated persons. The poor, and the class next above them, derive much of their theology from such sources, and use their Hymn-books as manuals of private devotion; the rhythmic form is grateful to their ear, and facilitates the retention of words in their memory. The pious peasant more frequently gives utterance to his religious feelings in some verse of a favourite hymn than in a text of Scripture; and experience shows that educated and uneducated persons draw their consolation in sickness and approaching death more largely from hymns than from any other species of meditation.

As the mental powers grow feeble, there would seem to be a soothing and consoling influence in devotional poetry, which speaks peace to the soul of the departing Christian. That the Psalms, as they stand in the Prayer-book, are often preferred to other portions of Holy Writ, is probably owing, in no small

measure, to their musical and almost rhythmic language; and how often do we find the learned scholar, the profound theologian, the keen controversialist, seeking spiritual comfort in his last hours from simple hymns! Such was Prudentius, the advocate, soldier, and courtier of the fourth century, who, as Isaac Walton relates, 'not many days before his death charged his soul to present to his God each morning and evening a new and spiritual song.' Such were the accomplished Walter Raleigh, the scholar and diplomatist Wootton, Dr. Donne, George Herbert, and unnumbered worthies of later times; and it was well remarked by Southey of Wesley's hymns, 'perhaps no poems have ever been so devoutly committed to memory, or quoted so often on a death-bed.'

This tendency of the human mind seems very early to have been remarked and fostered by the Church. The most ancient pieces of English poetry extant are versified Psalms, paraphrases of the Paternoster and the Creed, lives of Saints, or orisons to God and Saints, which were in use in the Church as popular vehicles of instruction. Hence, probably, the rhyming legends appended to old stained-glass of Scriptural subjects. Upon this principle, no doubt, 'Master Latimer,' being Bishop of Worcester, taught all in his diocese to substitute for the Latin form of giving Holy Water and Holy Bread to the people, some rhyming lines in English;* possibly, also, the retention at the end of our Prayer-books of various doggrel versions of the Creed, Lord's Prayer, Ten Commandments, Te Deum, Magnificat and Nunc Dimittis (which are so numerous that it would seem as if the poets of those days were unable to imagine any other themes, after Latin Hymns were forbidden them, upon which to exercise their gifts when disposed to religious rhyme),† may be referable to the opinion of early Reformers that such formulas were valuable as a means of infixing in the minds of the unlearned a rude knowledge of the Christian faith; just as we find in ordinary Roman Catholic

---

* Remember your promise in Baptism,
Christ, His mercy and blood-shedding;
By whose most holy sprinkling,
Of all your sins you have free pardoning.

Of Christ's Body this is a token,
Which on the Cross for our sins was broken;
Wherefore of your sins you must be forsakers,
If of Christ's death you will be partakers.

† The Moravians were supplied by their so-called Bishop, Gambold, with a metrical version of the Thirty-nine Articles of the Church of England, as a mark of his particular 'respect to the Church.'

books of devotion on the Continent, at the present day, similar metrical compositions, not a whit more poetical:—

Un seul Dieu tu aimeras,
Et aimeras parfaitement;
Dieu en vain tu ne jureras
Ni autre chose pareillement. . . .

Luther composed metrical translations of the same religious formulas; and the 'Concionero General,' published in Spain in 1511, in the reign of the Catholic Ferdinand and Isabella, contained like glosses of the Creed and Paternoster.

Christmas carols may be traced to very early times; and the preservation down to the present hour amongst the rural poor—in spite of schools, and certificated masters and mistresses, and pupil teachers—of that rhyming prayer, of no very Protestant tendency—

Four crosses to my bed,
Four angels round my head;
Matthew, Mark, Luke, and John,
Bless the bed that I lie on—

is a proof of the tenacity with which the popular memory retains the traces of versified theological teaching.

No one in the habit of entering the houses of the lower orders can fail to have observed how they love to paste upon their walls ballads and pictures with rhyming descriptions; and also how, when the option is given them, they prefer subjects of a Scriptural and devotional nature to loose and profane poetry. Whatever, therefore, may be thought of the poetic merit of the metrical compositions appended, as early as 1578, to the Book of Common Prayer, it cannot be denied that they were designed to meet an acknowledged and deeply-seated habit of mind. We may smile now at the quaint version of the 'Creed of St. Athanasius:'—

What man soever he be that
Salvation hopes to gain,
The Catholic Belief he must
Before all things maintain;
Which faith, unless he whole do keep,
And undefiledly,
Eternally, without all doubt,
He shall be sure to die. . . .

And at the prayer of Robert Wisdom, Archdeacon of Ely:—

Preserve us, Lord, by Thy dear Word;
From Turk and Pope defend us, Lord;
Both which would thrust out of His throne
Our Lord Christ Jesus, Thy dear Son. . . .

But possibly our less refined and more plain-spoken forefathers were wont to sing them without any suspicion of their lack either of poetry or charity.

The introduction of hymns for Christian seasons or particular services is due, probably, to 'the Stationers' before the Revolution, and to the University printers in modern times, more particularly to one of the latter about half a century back, who, being a Dissenter, thought fit to fill up the blank leaves at the end of the Prayer-book with hymns suggested by himself,—a liberty to which, apparently, no objection was raised by the authorities of the Church at that day, and thus '*factum valet.*' Two of them, by Doddridge; one, most probably, by Wesley; 'The Lamentation of a Sinner,' a beautiful and touching hymn, written in a moment of unusual inspiration by Sternhold, or, as some say, by J. Mardley; and Bishop Ken's 'Morning and Evening Hymns,' variously abridged and altered, are all of which the authors are now known; and this, together with the versions of the Psalms, is all the provision made in the Church of England, exclusive of unauthorized books of private compilation, for singing in the congregation.

The common notion respecting hymns is, or used to be, that all the Latin are Popish, and therefore to be abhorred of all good Christians; and that all the English are Methodistical, or written chiefly by Dissenters. Both views are the result, partly of prejudice, partly of want of information. Many, indeed the larger number of Latin hymns, were composed before the word 'Popery' was even devised, and bear fully as strong an affinity to the fervid devotion of the Methodists as they do to the peculiar dogmas of the Roman Church; and members of the Church of England high in ecclesiastical rank, and noted for sound theology, may be numbered amongst her best hymn-writers.

Putting out of consideration all Latin hymns addressed to the Blessed Virgin, and celebrations of Romish saints, together with fragments and reproductions of others on the same subject, there remain between three and four hundred of this class, many of them of undoubted antiquity and great beauty, to which of late years attention has been much directed, and of which many excellent translations have been produced, which are gradually finding their way into the hymnals of the Church of England. It is unreasonable, in the present day, to expect that the mass of those who worship in our churches should be satisfied exclusively with these selections from hymns which, however recommended by their primitive ecclesiastical origin, and however beautiful in themselves, have never been taught

us in our early years, or sung to us by our mothers; of which we have no dim and mysterious reminiscences connected with 'childhood's marvelling hour,' such as bind up indissolubly in our minds the prints of the old Family Bible which we used to muse over with untiring admiration, and the Scripture stories which we never wearied of hearing, with those happy, innocent days which, as life flows on, we cherish with more and more of lingering and regretful pleasure. Translate St. Bernard or St. Ambrose into as perfect poetry as you will, we shall love the Christmas and Easter Hymns in our own Prayer-book better than any whose lines are strange to our ears; and would not be content to resign even Tate and Brady for the most perfect selection drawn purely from primitive sources, but couched in unfamiliar words and divested of home associations. There is a stiffness and unreality almost inseparable from mere translations out of one language into another, which presents an objection rarely overcome to an exclusive reversion to Latin hymns.

The ancient Church, it should be remembered, sang in a language which she had adopted as her own, and her music was composed with especial reference to the rhythm and flow of Latin lines; and thus, up to the time of the Reformation, the Latin hymns were part and parcel of the services of the Church, and those who loved and valued her prayers were familiar with her praises also. If it had been possible for those who reformed our services to supply, together with English versions of ancient prayers, English versions of ancient hymns, the sacred associations would not have been so violently rent asunder, and by this time we might have become, as a nation, as warmly attached to our hymns as to our Prayer-books. Circumstances which it is perhaps impossible for this generation to appreciate, forbade this, and left the Reformers no option in the total abolition of Latin hymnology.* The German Reformers retained for some time a few popular Latin hymns in the original language; and it is observable that while those in England abolished the bulk of that portion of the ancient service books, they nevertheless admitted one such

* Dr. Newman, in his preface to *Hymni Ecclesiæ*, remarks—'Quod si fiat questio, cur diligentissimi viri, cum nostra omnia retractarent, hymnodiam solùm intactam, et tanquam desperatam, ne dicam improbatam, reliquerint, id vero ex ejusmodi silentio minime colligendum erit. Nam, cum statutum esset, ut cultus divinus, eo usque in Latino idiomate absolutus, transiret in vernaculum, quis daret, ut qui possent aliquid in rebus reformandis, in re poeticâ florerent simul, verba autem in versum, et quæstiones ad veritatis normam, pari solertiâ redigerent? Unde factum est, ut in officiis divinis, dum habemus cætera, hymnos non habemus.'

(*Veni Creator Spiritus*) into the Ordinal, and authorized none of a different nature elsewhere. Thus, so far as their principle can be ascertained, it is in favour of ancient hymns, and, as a precedent, we may regret it was not more extensively carried out in calmer and more peaceful times.*

Veni Creator is popularly attributed to Charlemagne in the modern hymnologies, except by Mohnike, who says the Emperor could not have had sufficient acquaintance with the Latin tongue to write so classical a composition, and assigns it rather to Gregory the Great. There does not, however, appear to be any improbability in the tradition on the score of ignorance of Latin. He who was the patron of Latin letters, and the friend of Alcuin, and who pardoned Paulus Diaconus for his conspiracy to murder him, because he could not cut off one who wrote so elegantly, may fairly be supposed capable of dictating a Latin hymn, though he was probably indebted to some better scribe than himself to write it down.

The German hymnals retain translations of many of the Breviary hymns which Luther and his associates were at the pains of adapting to the use of their communion; in this respect furnishing an example which the English Reformers might perhaps have followed with less detriment to their work than was occasioned by their deference to foreign influences in other matters. They are mostly rather free imitations of the originals than translations; and though it is possible to err in the extreme of diffuseness, and so to expand and labour a translation as to lose all resemblance to the original, its beauty does not necessarily consist in a bald and literal rendering. A servile worship of antiquity in such matters is by no means sure to lead to edification; on the contrary, it often cramps the taste, destroys the point, and mars the grace of the translation, while it fails to retain the terseness, simplicity, and dignity of the original. 'Every one,' says Addison, 'must allow my Lord Roscommon in the right, when he says—

> 'Tis true, composing is the nobler part,
> But good translation is no easy art;
> For though materials have long since been found,
> Yet both your fancy and your hands are bound:

---

* One other curious relic is retained in the Burial Service, in the paragraph, 'In the midst of life we are in death,' &c., which is derived from a Latin Antiphon said to have been composed by Notken, a monk of St. Gall, in 911, while watching some workmen building a bridge at Martinsbruck, in peril of their lives. It forms the groundwork of a longer hymn of Luther—

Mitten wir in Leben sind.

And by improving what was writ before,
Invention labours less, but judgment more.'*

The objections that are often, and with reason, urged against many modern hymns, that they are unsuitable for singing in Church from their purely experimental character, their partaking of the nature of doctrinal statements, and the exaggerated and familiar terms in which they address our Blessed Lord, although under the veil of a dead language they are less offensively obtruded, start into prominence when rendered into English, and must be held to bar many ancient hymns from admission into a collection for general use.

The conditions of a hymn which St. Augustine lays down would go far to exclude many in the Breviary, as well as those in modern books:—'Hymni laudes sunt Dei cum cantico, hymni cantus sunt continentes laudem Dei. Si sit laus, et non sit Dei, non est hymnus; si sit laus, et Dei laus, et non cantetur, non est hymnus. Oportet ergo, ut, si sit hymnus, habeat hæc tria; et laudem, et Dei, et canticum.'† The Preface to the *Congregational Hymn Book*, by Dr. Conder, recognises this principle:—'It was the opinion of the Committee that a great deficiency of hymns of praise and adoration characterizes most of our modern collections, and that our Psalmody is in some danger of being diverted from its primary purpose by the introduction of so large a proportion of metrical compositions of a descriptive, sentimental, or didactic character, instructive and edifying in themselves, but not in the form of either prayer or praise.' By such rules, hymns in honour of the Blessed Virgin and Saints would be clearly excluded; such, for example, as that for St. Stephen's day—

O qui tuo, dux martyrum;

of which a translation is in use in some collections—

Rightful Prince of Martyrs, thou,
Bind thy crown, upon thy brow, &c.;

or the stanzas of Prudentius on the Holy Innocents—

Salvete flores martyrum;

and even the imitation of them by Bishop Heber—

O weep not o'er thy children's tomb,
O Rachel, weep not so;
The bud is cropt by martyrdom,
The flow'r in heaven shall blow, &c.

---

* *Guardian*, No. clxiv.
† Enarr. in Ps. lxxii. conf. in Ps. cxlviii.

These may serve as a sample of a large class of hymns, beautiful in themselves, and full of devotional feeling, but unfitted to be sung in Church.

But there are numbers not open to such objections. Bishop Cosens, in his *Book of Devotions*—which excited so great a sensation in the household of Queen Henrietta Maria, for the Protestant ladies of which it was specially compiled—included translations of several Breviary hymns, apparently his own productions, the merit of which is not remarkable, though they are worthy notice as an instance of the adoption of such devotional aids by an eminent prelate of the Reformed Church.

As an Advent hymn, *Dies Iræ* stands so prominent, and is so well known and appreciated, that little new can be said of it. Its length and peculiar metre somewhat interfere with its adoption into our services; and indeed, strictly speaking, it is not a hymn at all, but what is called *Prosa*, which is its heading in Daniel's *Hymnology*, 'Prosa de Mortuis.' There are many English translations of it, commencing with a very diffuse one by Crashaw, only one of which (that composed by Dr. Irons) retains the double rhyme of the original—

> Day of wrath, O day of mourning!
> See once more the Cross returning!
> Heaven and earth in ashes burning! &c.,

which follows the various reading of the third line, in order to get rid of the Sybil—

> Crucis expandens vexilla.

Lord Roscommon translated it, and died, Johnson informs us, with two lines of it on his lips. Daniel gives a Greek, Hebrew, and four German versions; and Dean Trench tells us he has in his possession a book containing no less than forty-three German versions, with an appendix of seventeen more. The authorship of this fine hymn has been much disputed. It has been successively assigned to Buonaventura, Cardinal Fra Matteo di Acquasparte, to Agostino Biella, to St. Bernard, and to Gregory the Great. The most probable conjecture, however, seems to be that it is the work of Thomas di Celano, so named from the small town of that name in the Abruzzi, in which he lived; the site of the ancient Cliturnum. He was a friend and scholar of St. Francis of Assisi, and the original draught of the *Dies Iræ* is said to have been found in a box which formerly belonged to him. P. Bartolomeo Pisaro says, 'Locum de Celano, de quo fuit Thomas, qui scripsit sermone polito Legendam primam Beati Francisci, et prosam de mortuis, quæ

cantatur in missâ, scilicet, *Dies Iræ, Dies Illa.*'* He died in 1253.

If we are indebted to Charlemagne for *Veni Creator*, it appears that a hymn on the same subject was contributed by another French king, Robert the Pious,† which Dean Trench calls 'the loveliest of all the hymns in the whole circle of Latin poetry':—

Veni Sancte Spiritus,
Et demitte cælitus,
Lucis Tuæ radium, &c.

King Robert was fond of composing hymns, and indeed of singing them also, for he would occasionally assume a monastic garb, and preside over the choir of St. Denys. Whether this is the identical composition, the words and air of which the Royal author presented on the altar of St. Peter when he visited Rome, is uncertain; but it is hinted that the merit of the work did not altogether gratify the attendant cardinals and priests, who would have been better pleased with a less purely intellectual offering.‡ It seems a pity that the music of the old Christmas carol, *Adeste Fideles*, which, under the name of the *Portuguese Hymn*, has long been popular as a Psalm tune, is commonly divorced from the words for which it was so evidently composed; when re-united to them in an

---

* A singular and painful contrast to the grandeur of the mediæval *Prosa* is presented by the *Day of Judgment attempted in a Sapphic Ode* of Dr. Watts. The last stanza may suffice as a specimen:—

O may I sit there, when He comes triumphant,
Dooming the nations: then ascend to glory,
While our hosannas all along the passage
Shout the Redeemer.

† It is, however, popularly assigned to Pope Innocent III.

‡ Whilst treating of Royal hymn-writers, we may notice the plaintive verses written by Mary Stuart in her Prayer-book the morning before her execution:—

O Domine Jesu, speravi in Te,
O care mi Jesu, nunc libera me;
In durâ catenâ,
In miserâ pœnâ
Desidero Te;
Languendo, dolendo, et genu flectendo,
Adoro, imploro, ut liberes me.

Amongst the Germans, the Duke of Brunswick and the Electress of Brandenburgh, towards the middle of the sixteenth century, contributed to the treasures of hymnology.

A hymn to which the name of Henry VIII. is appended—

O Lord, the Maker of all thing—

is included in most Anthem-books in Cathedrals.

English translation, there is no hymn which children learn more readily, and village choirs sing with more spirit.

As the psalmody and singing of the Greek embassy so enraptured Charlemagne, that he commanded his chaplains to eat no bread till they had laid before him a Latin version of those beautiful anthems; so the Jesuit missionaries who succeeded in the sixteenth century in penetrating into China, and introducing a form of Christianity into that singular country, and obtaining for a time considerable influence at court, relate that they were greatly indebted for their success to the effect produced upon the Emperor by their chanting, on their first introduction into his presence, of the Christmas hymn of Cælius Sedulius:—

A solis ortûs cardine,
Ad usque terræ limitem,
Christum canamus Principem,
Natum Mariâ Virgine, &c.—

a fact not unworthy to be considered by those who desire that the Church of England should be more worthily presented to eastern nations in future.

Portions of the well-known poem, or *Sequentia*, *Stabat Mater*, are full of devotional feeling, and may fitly be introduced into the penitential services of the Anglican Church; but in this, as in many other Latin hymns, there is a frequent violence done to the original, which is scarcely legitimate. It would be better and more just to omit, than to mutilate, stanzas which contain sentiments unsuited to our worship; if we cannot take and use as our own the words of the original, it is not fair to distort them,—albeit, as we may think, from a false to a true sentiment. This poem is also assigned to various authors. The most probable appears to be Jacobus de Benedictis, a native of Todi, in Umbria, whence he is occasionally styled Jacobus de Tuderto, or Jacopone da Todi; he was a Franciscan monk, and died about A.D. 1306. Daniel reviews all the reputed authors, and sums up his argument thus—'Hæc omnia si reputo ac perpendo; mitto Innocentium, rejicio Gregorios; dubitatur mihi Joannes; in uno acquiesco Jacobo de Benedictis.'

How far poetic licence may justify a translator in deviating from the Latin, may be a matter of taste; but the simplicity of the original seems occasionally sacrificed, to the detriment of the hymn, if viewed not as a poem, but a thing to be sung; on the other hand, whatever may be the antiquarian interest attached to certain rhymes in use in the Roman Church, which may make them edifying in the Latin language, it is scarcely less than ridiculous to translate them. For example, in the

English version of the Easter carol, *O Filii et Filiæ*, occur the following stanzas :—

Both Mary, as it came to pass,
And Mary Magdalene it was,
And Mary, wife of Cleopas. Alleluia!

When John the Apostle heard the fame,
He to the tomb, and Peter, came,
But on the way outran the same. Alleluia!

Nor does the translation of the hymn of Prudentius, *Ales diei nuntius*, appear to great advantage in modern hymnals, thus :—

The cock's shrill horn proclaims the morn,
And heralds forth the rising light;
Christ's startling eye, so keen and nigh,
Wakes to new light the slumbering sprite, &c.,

The first line irresistibly calls up a discordant association.

The hymns attributed to St. Bernard are full of sweetness and pathos, and of far higher poetic merit than most of the compositions of that age. Of these may be particularized that commencing

Salve mundi Salutare,

a poem of considerable length, in all three hundred and seventy lines, entitled *Oratio Rhythmica ad Christum à Cruce pendentem*, which is seldom found *in extenso*, and of which there is no modern translation, except the German version of the portion 'ad Faciem,'* re-translated into English by the Moravians. The Dean of Westminster selects one hundred lines, Mr. Neale fifty, both retaining the two closing stanzas, of singular beauty :—

Dum me mori est necesse,
Noli mihi tunc deesse;
In tremendâ mortis horâ
Veni, Jesu, absque morâ,
Tuere me et libera.

Cum me jubes emigrare,
Jesu care, tunc appare;

---

* O Haupt voll Blut und Wunden!

the translation of which—

'O Head so full of bruises!'

was sung by the natives at the dying-bed of the missionary Swartz, in which he frequently joined. Dean Alford has also imitated it in his hymn—

'Hail that Head, with sorrows bowing.'

O Amator amplectende,
Temet Ipsum tunc ostende,
In cruce salutiferâ.*

Another poem of St. Bernard, consisting of one hundred and ninety-two lines in all, of which Dean Trench selects only sixty, has furnished materials for three English hymns—

Jesu! dulcis memoria.

Daniel is of opinion that it is of more ancient date; but was re-produced with additions probably from the pen of St. Bernard. Dean Trench remarks of it that, with all its beauty,

---

* Subjoined is a version of part of this poem, by the Rev. W. Ward Jackson:—

I.

Hail! Jesu! Saviour of the world!
Jesu beloved! on Thee I call:
Oh! might I to Thy Cross be nailed
With Thee! Give me Thyself—Thy all.

II.

Hail! King of Saints! the sinner's hope!
Jesu! to Thee, true God, I bow;
While, crucified for guilty man,
On failing knees Thou bendest low.

III.

What can a wretch with sin defiled,
And hard of heart, respond to Thee?
Ah! how requite the love that died
My guilt from death on death to free?

IV.

Hail! Jesu! worn with agony,
Still stretching forth Thy holy hands;
Racked and disjointed by the wood,
To which Thou cling'st with loving bands.

V.

Hail! sacred Head! with blood imbrued,
Pierced by the thorny crown's embrace,
Bruis'd, torn, and battered by the reed,
While baser insults mar Thy Face.

VI.

Hail! fount of sweets! my Saviour's side!
Where all the might of love is seen—
Whence gusheth forth that stream of blood
Which washeth sin-stain'd bosoms clean.

VII.

Ah! how those nails Thy feet transfix!
See, stripes on stripes Thy shoulders tear!
Awe-struck, I gaze upon Thy wounds,
And clasp them with affection's fear.

VIII.

Sweet Jesu! holy, loving God,
Though guilty, I for mercy cry;
Repel not mine unworthiness,
While at Thy sacred feet I lie.

IX.

Though die I must, fail Thou me not;
But then, in death's tremendous hour,
Come, Jesu, come without delay,
Protect, and free me by Thy power.

X.

When at Thy bidding I depart,
Beloved Jesu! then appear;
O longed-for Lover of my Soul,
Then with Thy saving Cross be near!

'the composition, as a whole, lies under the defect of a certain monotony and want of progress.' It might almost be supposed that Newton borrowed some of its ideas for his well-known hymn, one of his best—

> How sweet the name of Jesus sounds
> In a believer's ear.

Part of this is translated by Byrom, which is curious as having appeared in the beginning of the last century, when such works were little known and less appreciated. Byrom was a native of Manchester, an inventor of a system of short-hand, and is also the author of the Christmas carol—

> Christians awake! salute the happy morn
> Whereon the Maker of the world was born, &c.,

which is still sung by the natives of various parts of Lancashire on Christmas Eve. In his latter years, Byrom is said to have adopted in some measure the tenets of Jacob Behmen.*

There are also in his works some lines evidently formed on the model of the beautiful hymn assigned to St. Francis Xavier:—

> O Deus, ego amo Te;

although he does not confess himself indebted to either Latin writer. In C. Butler's *Historical Memoirs*, it is asserted that Pope wrote a translation of this hymn, beginning—

> O God! I love Thee; not to gain
> The joys of Thy eternal reign, &c.;

but if this be so, it is not included in his published works. It is well translated by the Rev. E. Caswall.†

---

* It is greatly to the credit both of the taste and honesty of Byrom, that when invited to 'revise and polish' Bishop Ken's poems, he declined, saying—

> Patch-work improvements, in the modern style,
> Bestow'd upon some venerable pile,
> Do but deface it; poems to revise
> That Ken hath writ—another Ken must rise.

† The original is so characteristic of the spirit of Xavier, that it may be acceptable to subjoin it:—

> O Deus, ego amo Te,
> Nec amo Te, ut salves me;
> Aut quia non amantes Te,
> Eternâ punis igne.
>
> Tu, Tu, mi Jesu, totum me
> Amplexus es in cruce;

A favourite theme of hymn-writers, both ancient and modern, is the glory of the New Jerusalem, and the utterance of longings after its joys. If the poem which Daniel assigns to Augustine be his, that father is the oldest of those who have expanded the description in the Book of Revelations, which doubtless gave rise to all subsequent praises of the Celestial City. Whether celebrated by primitive, mediæval, Romish, Protestant, Scotch or English verse, the main features are the same in all; and it is difficult to decide whether they copied each other, or whether the sacred theme itself, with such brief but pregnant hints as the Beloved Disciple furnishes, has led each poet in succession to similar utterances of his aspirations. No one can fail to acknowledge the superiority of the pathos, grandeur, and simple yet highly poetic rhythm of the English version of Rev. xxi., over all the varied elaborate compositions founded upon it.

Next to St. Augustine's 'Rhythmus de gloriâ et gaudiis Paradisi'* must be classed the hymn, which is said to be as early as the eighth or ninth century, in the 'Hymnale secundum usum Sarum'—

Urbs beata Hierusalem;

or, as the Roman Breviary has polished it—

Cœlestis urbs Jerusalem;

the translation of which by Drummond, who lived about A.D. 1620, is not inferior to any subsequent ones. The common modern hymn—

Jerusalem, my happy home,

Tulisti clavos, lanceam,
Multamque ignominiam.

Innumeros dolores,
Sudores et angores,
Ac mortem, et hæc propter me,
Ac pro me peccatore.

Cur igitur non amem Te?
O Jesu amantissime!
Non, ut in cœlo salves me,
Aut ne eternùm damnes me;

Nec prœmii ullius spe,
Sed sicut Tu amâsti me,
Sic amo, et amabo Te,
Solum, quia Rex meus es.

* The Benedictine editors do not give this poem to Augustine; and the Dean of Westminster and others assign it to Cardinal Peter Damiani, under whose name it has recently been published separately, with a good translation by Dr. Kynaston.

is a poor and very meagre imitation of the old rhythm, and is greatly inferior in warmth and unction, and in poetic merit, to the half-ballad, half-hymn, which is often to be found pasted on cottage walls:—

Oh! Mother dear, Jerusalem,
When shall I come to thee?
When shall my sorrows have an end?
My joys when shall I see?

That this latter is the production of David Dickson, a Scotchman, and, as it is said, a Presbyterian, about the middle of the seventeenth century, may well be doubted. There are portions which no Presbyterian could have penned, and, moreover, it is a plain imitation, almost translation, of the lines of Bernard of Clugny, who flourished in the twelfth century, commencing—

O bona patria, lumina sobria te speculantur,
Ad tua nomina lumina sobria collacrymantur.

The last thirty lines of Hildebert's fine poem, entitled *Oratio devotissima ad Tres Personas SS. Trinitatis*, written probably early in the twelfth century, bear a strong resemblance to those already referred to:—

Me receptet Syon illa,
Syon, David urbs tranquilla,
Cujus faber, Auctor lucis,
Cujus portæ lignum crucis,
Cujus murī lapis vivus,
Cujus custos Rex festivus.

There is a translation of a portion of this poem in the *Christian Observer* for 1831. The whole is well rendered in Mr. Neale's *Hierologus*.

It is, however, impossible, within these limits, to do more than point out a few—a very few—of these gems of Latin hymnology. An impartial perusal of their treasures will probably warrant an opinion that there are productions of our own Church fully worthy to be placed side by side with the best of those of ancient writers, and, indeed, that in some respects, and those the most important, the new surpass the old.

Dr. Newman, in the observations which he prefixed, in 1838, to the Latin hymns of the Parisian Breviary, remarks of the abolition by the Church of England of Roman hymns:—

If there was a call to reject them, there was nothing to be done but to begin again. We could not be young and old at once. It was a stern necessity alone which could compel us to change from what we were; but being changed, so far we were not what we were, and must be what the primitive Church was in these respects—poor

and ill-furnished,—we began the world again. This is the proper answer to inconsiderate complaints and impatient interference. There have been before now divines who could write a liturgy in thirty-six hours. Such is not our Church's way. She is not the empiric to make things to order, and to profess to anticipate the course of nature, which under grace, as under Providence, is slow. She waits for that majestic course to perfect in its own good time what she cannot extort from it, for the gradual drifting of precious things upon her shore, now one and now another, out of which she may complete her rosary and enrich her beads—beads and rosary more pure and true than those which, at the command of duty, she flung away.

The gifted author of these remarks was not content to learn his own lesson, and await 'the gradual driftings of precious things' upon the shore of his mother Church. The lapse of twenty years, however, has not failed to waft towards her valuable materials for the construction of an authorized Hymn-book, and the age is confessedly more appropriate for the accomplishment of such a work. The minds of all classes of society are more alive to its utility, and more capable of appreciating its efficient realization.

It has often been asserted by depreciators of the Church of England, that since the Reformation she has produced no good hymns. Thus Wesley said, 'When it is seasonable to sing praises to God we do it, not in the scandalous doggrel of Hopkins and Sternhold, but in psalms and hymns which are both sense and poetry, such as would sooner provoke a critic to turn Christian than a Christian to turn critic.' The sneer, however, even in those days, was unmerited; and Wesley, if he had taken half the trouble to find existing hymns which he took to compose new ones, might have discovered that he was not the first person to discern, and attempt to remedy, the deficiency of which he complained. No doubt, the rise of Methodism was contemporaneous in a great degree with that of hymns; and the cause may easily be found in the fact that Dissenting bodies have no fixed Liturgy in which their doctrines are enshrined, and by which their devotion is aided; they depend, therefore, upon their Hymn-books, which become to the worshipper in the conventicle what the Prayer-book is to the Churchman—the repository of his peculiar tenets, the enunciation of his creed.

Not to refer again to Bishop Cosens,—long before Wesley arose, Bishop Jeremy Taylor had set forth hymns in the *Golden Grove*, conceived in the quaint style of his day, but replete with the warm devotion, the exuberant imagination and richness of language which constitute him the eloquent

Chrysostom of English theology. Nor should George Herbert be forgotten as an eminent hymn-writer among the Churchmen of his time, although the peculiar metres which he, in common with his contemporaries, affected, preclude the use of his hymns in public worship. In 1624, George Withers published *Songs and Hymns of the Church*, and professed to wonder 'what divine calling Sternhold and Hopkins had' more than himself, 'that their metrical Psalms should be allowed of rather than his Hymns,' an opinion in which apparently the Archbishop of Canterbury concurred, as he approved the book with the alteration of only one word. Before Wesley's time, also, Bishop Ken had gone to his rest, and his Morning and Evening Hymns, and that for Midnight—which, though less generally known, is little inferior to the others in sweetness, simplicity, and devotion—had been given to the world; and though the fact that their author was a non-juring bishop may have operated against their immediate introduction into the worship of the Church, yet these hymns, composed in the retirement of Longleat, and sung by the bishop to his lute in his private orisons, are now household words in our estimation, admitted by tacit consent to a place in our Prayer-book, and probably more widely known and more frequently sung than any hymn either of earlier or later origin. 'It may be doubted,' says Montgomery, 'whether there is a stanza of four lines in the compass of our literature which has been so often remembered, repeated, and sung, as the Doxology appended to each of the good prelate's inestimable triad of hymns.' Of Bishop Ken's other poems, the poet Bowles expresses his regret that more should have been known than the fact that they were written at Longleat, and attributes their faults, of which he speaks strongly, to his having in great measure adopted Cowley as his model. Exception might, however, be claimed from this censure for two pieces, entitled *The Saints with Jesus* and *The Rest of the Just.*

Another non-juring divine—Dr. George Hicks—published about the same time a Book of Devotions, containing many hymns, and some of no mean merit. It purports to be an adaptation to the use of members of the Anglican Church of a work by John Austin, which had already been reformed, as Hicks tells us, 'by the reverend and worthy Mr. Dorrington,' and seems to have been very popular, both among Romanists and Anglicans, inasmuch as it passed through four editions unreformed, and five more in Dorrington's version, and in 1712 Hicks's version had passed through four more.

Both Austin and Hicks give Crashaw's translation of the hymn by Thomas Aquinas on the Holy Sacrament—

Lauda Sion, Salvatorem.

Rise, Royal Sion, rise and sing,
Thy soul's kind Shepherd, thy heart's King.

Before the rise of Methodism, also, Addison had published his well-known hymns, those of which beginning respectively

How are thy servants blest, O Lord—
When all thy mercies, O my God—
When rising from the bed of death—

are rarely omitted in any collection, though, notwithstanding their undoubtedly devout and occasionally elevated tone, Wesley and his followers regarded them as deficient in that inexplicable quality which is perhaps most fitly designated *unction*.

Addison entertained at one time the design of composing a new poetical version of the Psalms, which Pope spitefully attributed to his intention of taking orders and obtaining a bishopric; on which Johnson, who held in particular contempt all hymn-writers, remarks that 'a man who had been Secretary of State in the ministry of Sunderland knew a nearer way to a bishopric than by defending religion, or translating the Psalms.'

Judging from the specimens with which Addison favoured the world, it is scarcely a matter of regret that he did not execute his design. His version of Psalm xix.,

The spacious firmament on high,

though it flows easily, and possesses some grace of poetic diction, is a tame and inadequate rendering of the grand original; and when used in public worship, is somewhat akin to singing Butler's *Analogy*, or Paley's *Evidences*.

Bishop Horne, whose *Commentary on the Psalms* (in meditation upon which, if it so pleased God, he wished that death might find him employed) would lead us to look for such compositions from his pen, has left one or two hymns; but, like Ken's, the purity of his taste was somewhat warped by the age in which he lived. He notices incidentally a translation, by Merrick, of the Latin paraphrase of Psalm cxxii. of Zuinger, 'in which he took his leave of the world on his deathbed,' commencing—

O lux candida, lux mihi
Læti conscia transitûs,
Per Christi meritum patet
Vitæ porta beatæ.

Bishop Louth has also left some versions of Psalms of considerable merit; indeed, if we are to credit Cowper, the bishop

in his early youth was remarkable for poetic talent. 'I thank you,' he writes to Unwin, in 1782, 'for Mr. Louth's verses. They are so good, that had I been present when he spoke them, I should have trembled for the boy, lest the man should disappoint the hopes such early genius had given birth to.'

The name of Augustus Toplady is so associated in the minds of many with the Methodist movement, that it may not be generally known that he lived and died a clergyman of the Church of England, and vicar of Broad Henbury, Devon. He was a very strong Calvinist, and signalized himself in a controversy with John Wesley, in the course of which both were betrayed into language which should never have been uttered. Nevertheless, it was an unworthy act of Wesley's to carry party feeling beyond the lifetime of his antagonist, and to publish to the world that 'Mr. Toplady died blaspheming in black despair,'—an assertion which was publicly contradicted by those who were present at his death-bed, and who testified that his language in his last moments closely resembled the expressions in his hymn,

Deathless principle, arise!

Indeed it is difficult to believe that despair could enter the mind of that man on his death-bed, who seemed to take especial delight in picturing to himself the joys of dying in the Lord, as in those touching lines—

When languor and disease invade
  This trembling house of clay,
'Tis sweet to look beyond the cage
  And long to soar away:
Sweet to look inward, and attend
  The whispers of his love;
Sweet to look upward to the Throne,
  Where Jesus pleads above, &c.

Toplady died in 1778, in the thirty-eighth year of his age, and was buried at Tottenham-court Chapel; and Rowland Hill pronounced a funeral oration over his grave.

The hymn for which his name is most extensively celebrated —in Dr. Pusey's words, 'the most deservedly popular hymn, perhaps the very favourite—very beautiful is it,'—viz.,

Rock of Ages, cleft for me!

was probably the offspring of one of those seasons of religious depression which seem, from the revelations of his diary, to have marked the character of Toplady.

The *Olney Hymns*, 'a monument,' as Newton tells us in the

Preface, 'to perpetuate the remembrance of an intimate and endeared friendship,' were published in 1779, and were probably the first attempt to remedy what was then beginning to be felt as a want in the Church, especially by the evangelical clergy. Not, however, by all even of these. Mr. Romaine was from the first vehemently opposed to the introduction of all hymns of mere human composition, and wrote a treatise upon Psalmody, in which he deprecates the abandonment of Sternhold and Hopkins, and bitterly complains of the total neglect of the Psalms which was prevalent in his day among many congregations. The passage is curious—'Human compositions,' he says, 'are preferred to divine; man's poetry is exalted above the poetry of the Holy Ghost; is this right? It is not difficult to account for this strange practice. Our people have lost sight of the meaning of the Psalms. They do not see their relation to Jesus Christ. This happened when vital religion began to decay among us more than a century ago. It was a gradual decay, and went on till at last there was a general complaint against Sternhold and Hopkins. Their translation was treated as flat, poor stuff—the wits ridiculed it—the profane blasphemed it—good men did not defend it—then it fell into such contempt that people were ready to receive anything in its room which looked rational and was poetical. In this situation the hymn-makers find the Church, and they are suffered to thrust out the Psalms to make way for their own compositions, of which they have supplied us with a vast variety—collection upon collection, and in use too, new hymns starting up daily, appendix added to appendix, sung in many congregations, yea, admired by very high professors.' He proceeds to declaim against shutting out divinely inspired Psalms, 'to take in Dr. Watts' flights of fancy.' 'Why should Dr. Watts, or any other hymn-maker, not only take precedence of the Holy Ghost, but also thrust Him out of the Church?' From such a quarter these sentiments were hardly to be looked for; they show at once how completely forgotten the ancient hymns were—against which the same objection might have been urged*—and also the strange predilection for metrical Psalms which prevailed towards the middle of the last century, and could cause one who viewed the doctrines and most of the practices of the Methodists with lenience, to denounce almost as sacrilege the attempt to supplant the Old Version in the Church.

---

* In fact, it *was* urged; the Council of Braga, A.D. 561, directed 'ut extrà Psalmos vel Scripturas canonicas nihil poeticé scriptum in Ecclesiâ psallatur.'

The total number of hymns contributed to the Olney collection by Cowper was sixty-eight. The first he wrote—

How blest Thy creature is, O God—

is not popular, and displays but little of his characteristic excellences; the second, one of the most beautiful, to which his initial is appended—

Far from the world, O Lord, I flee—

is peculiarly interesting as having been composed just after his first recovery from his sad affliction at St. Alban's, and as he was contemplating his withdrawal from general society to his retreat at Huntingdon. Hayley doubts whether Newton did Cowper a kindness when he engaged him in this work, and thinks it fostered his constitutional depression, and rather increased than diminished his morbid view of his own spiritual state. It is, however, more probable that the employment was soothing to his mind, and the strain of calm piety which breathes in most of his hymns may be regarded as sufficient evidence of this. It is true that he occasionally gives way to expressions of despondency, as in the touching lines—

O for a closer walk with God!

but possibly the very exercise of writing gave a wholesome vent to gloomy feelings, over which he might have brooded very injuriously to his own peace; and no one can read his fine hymn,

God moves in a mysterious way,

without acknowledging that if Cowper had experience of the doubts, he was also no stranger to the hopes and consolations of the Christian's life.

In purely poetic merits, Cowper's hymns are far inferior to his other writings, both as regards language and originality of conception; and though he does not descend into the bathos which makes some of Newton's hymns almost ludicrous, there are several of the contributions of the latter which may fairly be set side by side with Cowper's, and stand in no need of the modest depreciations of comparison with which the Olney collection is prefaced.

It is worth remarking, that although the second part of this book is entitled *Seasons and Ordinances*—a species of 'Christian year' according to John Newton—there is no reference to any feast except Christmas Day; no recognition of Baptism among 'Sacramental Hymns;' so that if he thus 'declared his own views and feelings as he might have done if he had composed hymns in some of the newly-discovered islands in the South Seas, where no person had any knowledge of the name of

Jesus but himself,' his converts would have stood in need of no inconsiderable amount of supplemental teaching.

Bishop Heber, while at Hodnet, was discouraged by the Archbishop of Canterbury of that day in his project of publishing a *Hymn-book for the Use of the Church at large;* but his selections from existing sources, as well as his own original compositions, (which appeared from time to time in the *Christian Observer*, under the initials D. R.,) were given to the world after his death by his widow. Distinguished as they are by the pure taste as well as devout feeling which characterize all his writings, Bishop Heber's are usually rather odes than hymns. For example, his extensively popular Missionary lay,

From Greenland's icy mountains,

is chiefly addressed, not to God, but to the winds and waves; and his Epiphany hymn,

Brightest and best of the sons of the morning,

is an apostrophe to a star, though beautiful as a piece of sacred poetry. The greater number, however, of Heber's hymns are worthy of his name, and fully justify the claim he made for them in his original Preface, when he expressed his hope that 'no fulsome or indecorous language had been adopted; no erotic addresses to Him whom no unclean lip can approach; no allegory ill understood, and worse applied.'

Among them may be specified the hymn for St. Stephen's Day,

The Son of God goes forth to war;

that for St. John's Day,

Oh, God! who gav'st Thy servant grace;

the Christmas hymn,

Oh, Saviour! whom this holy morn;

and that for the fifth Sunday in Lent, which greatly resembles the style of the best ancient hymns,

Oh, Thou, whom neither time nor space.

The scrupulous mind of Bishop Mant led him anxiously to guard himself against being supposed to have conceived the presumptuous idea of writing hymns for the public use of the Church. In his Preface to his translations of certain ancient hymns, to which he added a few original compositions, he says—'With respect to public worship, I do not presume to offer any materials for its use; because as I know no consideration which will justify the act, or sanction an individual in contributing to the introduction of forms of singing any more

than forms of praying into our churches without legal authority, so I am persuaded that every vain attempt of the kind only tends to aggravate the evils of such a practice.' It is to be regretted that one so well qualified for the task of improving Church Psalmody should have left so little, while persons of less ability and more assurance have usurped his place. His best hymn is one for the Feast of All Saints—

For all Thy Saints, O Lord.

It can hardly be viewed as a disparagement of the value of the *Christian Year*, which has won for itself a world-wide celebrity, to express an opinion that Mr. Keble's poetry is unsuited as a whole for use in public worship. The very refinement of thought and depth of poetry for which it is deservedly esteemed militate against such an adaptation,—and except certain stanzas from the Morning and Evening Hymns, it has not been attempted.

Newton, in his Preface to the *Olney Hymns*, suggests what is probably the true explanation of the above remark:—'There is a style and manner suited to the composition of hymns, which may be more successfully, or at least more easily, attained by a *versifier* than by a *poet*. They should be *hymns*, not *odes*, if designed for public worship, and for the use of plain people. Perspicuity, simplicity, and ease should be chiefly attended to; and the imagery and colouring of poetry, if admitted at all, should be indulged very sparingly, and with great judgment.'

Twelve hymns in Bishop Heber's book are from the able and tasteful hand of Dean Milman, and are all replete with warm devotional feeling. No more touching lines were ever written than those commencing—

When our heads are bow'd with woe,
When our bitter tears o'erflow,
When we mourn the lost, the dear,
Gracious Son of Mary, hear!

The gifted name of Grant is connected with several compositions well known and prized in the Church, and partially contained in many collections, though rarely printed entire on account of their length.

When gathering clouds around I view;

and

Saviour! when in dust to Thee,

are very generally adopted in popular hymn-books.

Bishop Hinds has supplied a very good Hymn for Confirma-

tion, though not very widely known beyond the diocese of Norwich—

Lord! shall Thy children come to Thee?

It is stamped by the approbation of Dr. Arnold, with whom it was a favourite.

To this may be fitly added Dean Alford's Hymn on Holy Baptism—

In token that thou shalt not fear
Christ crucified to own,
We print this Cross upon thy brow,
And mark thee His alone, &c.

Besides those already enumerated, the names of Henry Kirke White, H. F. Lyte, Charlotte Elliott, Bowdler, Bathurst, De Courcy, and many others, will occur to those versed in English hymnology; and these will amply suffice to redeem the Church of England from the imputation of having failed to produce writers of good hymns. If, in truth, it were desired to form a collection exclusively compiled from sources within the pale of the Church, and to avoid all works of Dissenters, there would be fully sufficient materials for such a purpose; but it must be frankly admitted that such omissions would inflict upon the Church a loss greatly to be deprecated.

Among Church writers the Wesleys might fairly be included, inasmuch as they received holy orders at the hands of an English bishop, and never ceased to communicate at the altars of the Church of England to the day of their death; and it is well known that John Wesley forbade his preachers in the most emphatic terms to attempt to take upon themselves the ministration of the sacraments of the Church. 'Those who are so bold and injudicious,' he wrote in 1790, one year only before his death, 'will dwindle into a dry, dull, separate party: in flat opposition to these, I declare once more, that I live and die a member of the Church of England, and that men who regard my judgment and advice will never separate from it.' Since, however, his followers have repudiated the principles and example of their founder, and the hymns which he and his brother composed are identified at this day with Nonconformity, it is more consonant with fact to class them among those written by Dissenters.*

The family of Wesley was probably more prolific of hymns than any in this or other nations. Their aim was to embody in their public singing the whole of their peculiar doctrines, so as to make the books used in their congregations a complete

* Yet the eldest of the Wesleys, Samuel, who was also a writer of hymns, should not be so classed, for he was a high Churchman.

system of Methodist divinity.* In pursuance of this object, the Wesleys, particularly Charles, from time to time wrote and collected a vast number of hymns, which were finally published in 1779. 'For many years,' says the editor, 'I have been importuned to publish such a hymn-book as might be generally used in our congregations. I have hitherto withstood the importunity, as I believed such a publication needless, considering the various hymn-books which my brother and I have published within these forty years; so that it may be doubtful whether any religious community in the world has a greater variety.'

All the hymns borrowed from the German, which are numerous, are the work of John Wesley, except an imitation of one by Terstiegen—

> Thou hidden love of God, whose heights,
> Whose depths unfathom'd, no man knows,

which is usually assigned to Charles.

John wrote, for the most part, on the impulse of the moment, with little attempt at polish or elegance, as when he almost extemporized a hymn for the silencing of a riotous assemblage of Cornish miners, to whose craft the images used appear to have reference—

> Come, O Thou all-victorious Lord,
> Thy power to us make known;
> Strike with the hammer of Thy Word,
> And break these hearts of stone, &c.

Occasionally, however, he pours forth the warmth of his feelings in striking and poetic language, as in the noble hymn which he wrote upon the death of his old friend, though frequently his uncompromising and far from complimentary antagonist, Whitefield—

> Servant of God, well done!
> Thy glorious warfare's past!
> The battle's fought, the race is run,
> And thou art crown'd at last, &c.

which is remarkable as a generous and spirited tribute to the departed worth of the eminent man whose apotheosis it celebrates with such assurance, which one would hardly suppose was written in memory of a person who had addressed to its

---

* 'In what other publication,' asks Wesley, 'have you so distinct and full an account of Scriptural Christianity; such a declaration of the heights and depths of religion, speculative and practical; so strong cautions against the most plausible errors, particularly those now most prevalent; and so clear directions for making your calling and election sure; for perfecting holiness in the fear of God?'

author the sharp rebuke, 'be a little child; and then, instead of *pawning* your salvation, as you have done in a late hymn-book, if the doctrine of universal redemption be not true, you will compose a hymn in praise of sovereign, distinguishing love.'

The spots where particular hymns were composed by Wesley, are still cherished and pointed out to strangers in Cornwall.

A peculiar projecting piece of rock, at the Land's End, is noted as having suggested the idea expressed in the lines—

> Lo! on a narrow neck of land,
> 'Twixt two unbounded seas I stand,
> Secure, insensible;
> A point of time, a moment's space,
> Removes me to that heavenly place,
> Or shuts me up in hell.

His fondness for sacred poetry betrays itself in all his works; scarcely a sermon of his is extant which is not full of quotations from hymns, and sometimes from other poetry, sacred and profane, after the manner of Jeremy Taylor. Hymns were in his mouth to his latest gasp. True to his principles to the last, a devout, though eccentric member of the Church Catholic, he almost expired, like the Venerable Bede, with the *Gloria Patri* upon his lips. 'Speak, Lord,' he said, shortly before his death, 'to all our hearts.' He then sang,

> To Father, Son, and Holy Ghost,
> Who sweetly all agree:

But here his voice failed him, and gasping for breath he said, 'Now we have done, let us go.' He died shortly after, while faintly endeavouring to repeat the words of Watts:—

> I'll praise my Maker while I've breath,

which, much to the astonishment of the by-standers, he had sung with a clear voice not many hours before.

Southey considered Charles Wesley's hymn,

> Stand the omnipotent decree,

the finest lyric in the English language, and Montgomery also expresses high admiration of it. Another, commencing,

> Come, O Thou Traveller unknown,

a poem of some length in the original, is, perhaps, a grander conception. These, however, are by no means so popular and universally admired as the well-known—

> Jesu! lover of my soul,

which is, of itself, amply sufficient to stamp its author, had he

written nothing else, with the character of a hymnist of the highest rank. It is to be regretted, by the way, that the line is so often given as

Jesus, *refuge* of my soul!

Wesley probably had in his mind the beautiful passage in the Book of Wisdom, 'Thou sparest all; for they are thine, *O thou lover of souls*,'* adopted by S. Bernard:—

O *Amator* amplectende,
Temet ipsum tunc ostende,
In Cruce salutiferâ.

A doubt has been suggested in later times as to whether the hymn is really the production of Charles Wesley. It has been claimed by some for Mr. Robinson, a Dissenting teacher at Cambridge, author of another good hymn,—

Come Thou fount of every blessing,

who afterwards became a follower of Priestley; and by others, with more probability, for Mrs. Madden.†

It is difficult to understand how men who had such true perception of the beautiful in hymnology, could occasionally write doggrel and weak prosaic effusions, the edification of which is not easily discernible.

Foremost amongst undoubtedly Dissenting writers stands Dr. Watts. Unrivalled, perhaps, as a composer of 'Divine Songs' for children, his paraphrases of psalms and hymns for public and private use are also full of devotion, and often of considerable poetic beauty.

Mr. Montgomery, in his preface to the *Christian Psalmist*, appears disposed to assign to Dr. Watts an eminence which, poet and Christian as he was, seems scarcely due to him:—

> There is in this evangelist (he says), a word in season for every one who needs it, in whatever circumstances he may require counsel, consolation, reproof, or instruction. We say this, without reserve, of the materials of his hymns: had their execution been always correspondent with the preciousness of these, we should have had a Christian psalmist in England next (and that only in date, not in dignity) to the sweet singer of Israel.

This is surely overstated. No doubt we must believe that the saints of old had but an imperfect knowledge even of 'the things which the spirit of Christ which was in them did

---

* *Wisdom*, xi. 26.

† It certainly does not appear in the second edition of C. Wesley's *Poems*, published in 1755; but it may have been written later.

signify;'* but we cannot say with truth that *the themes* of the Psalms are inferior to those of Dr. Watts, though in so doing Mr. Montgomery did but follow the teaching of Dr. Watts himself, who argues at some length to the same effect in his own preface to the imitations of the Psalms, arriving at the conclusion that 'the Hebrew Psalter is very improper to be the precise matter and style of our songs in a Christian church.' The question may remain to be settled between the Doctor and Mr. Romaine, the latter of whom says, in his *Treatise* already referred to, 'I want a name for that man who shall pretend that he can make better hymns than the Holy Ghost. His collection is large enough, and wants no addition: it is perfect as its author, and is not capable of any improvement.'†

While, however, Mr. Montgomery exalts Watts above 'the man after God's own heart,' and Dr. Conder thinks that 'in his own peculiar walk as the Poet of the Sanctuary, he stands almost alone,' Dr. Johnson awards him praise with a very niggard hand. 'His devotional poetry,' according to that severe critic, 'is like that of others, unsatisfactory: the paucity of its topics enforces perpetual repetition, and the sanctity of the matter rejects the ornaments of poetic diction. It is sufficient for Watts to have done better than others what no man has done well.'‡

His finest paraphrase is that of the 90th Psalm, which is not altogether unworthy of the majestic original:—

O God our help in ages past,
Our hope for years to come, &c.

His finest hymn, and it may be added, one of the best of such compositions in any age, is—

When I survey the wondrous Cross.

Very admirable also is the paraphrase of the 121st Psalm—

Up to the hills I lift mine eyes;

and two of the 84th Psalm—

How pleasant, how divinely fair,

and

Lord of the worlds above.

---

* Vainly they tried the deeps to sound
E'en of their own prophetic thought,
When of Christ crucified and crowned
His Spirit in them taught.
—*Christian Year*, 13th Sunday after Trinity.

† Adam Clarke concurred in this condemnation both of the New Version and of Watts.

‡ *Lives of the Poets* (Watts).

Dr. Watts's hymns were composed, we are told, in consequence of his having expressed dissatisfaction at those usually sung at the Meeting House at Southampton, in which town his father kept a respectable school; who not altogether approving or appreciating his son's fastidious taste, suggested that he should try his hand at writing better. It has been stated that Watts's 'Divine Songs,' and many of his hymns likewise, were composed before he was sixteen years of age; but they may be assigned with more probability to the thirty-six years of retirement which he spent in the house of Sir Thomas Abney, after the severe illness which put a stop to his public exercise of his duties, and from the enfeebling effects of which he never perfectly recovered. Johnson says he was one of the first authors that taught the Dissenters to court attention by the graces of language, and admits the elegance and easy flow of his poetry. It is amusing to observe the Doctor's notice of the condescension of Watts in 'laying aside the scholar, the philosopher, and the wit, to write little poems of devotion, and systems of instruction, adapted to the wants and capacities of children,'—a descent from the dignity of erudition with which Johnson was wholly unable to sympathize; and yet *he* was a married man, while Watts, the writer of hymns which are learned probably by the larger part of the youthful population of England and America—in fact, wherever the English language prevails—lived and died in celibacy. It is worth remarking, too, that Watts's *Horæ Lyricæ*, in which he tells us he 'endeavoured to please and profit the politer part of mankind without offending the plainer sort of Christians,' and which he evidently regarded as his more important work, is scarcely known at the present day.* He was buried in Bunhill Fields, that 'Campo santo of Dissenters,' as it has been well named, where his epitaph records the interruption of his ministerial labours by 'four years of tiresome sickness.'

The hymns of Dr. Doddridge, which were collected and

---

* The following is a specimen, which may possibly account for the oblivion into which the *Horæ Lyricæ* have fallen; the theme is 'Gunpowder Plot:'—

'Come,' said the sons of bloody Rome,
'Let us provide new arms from hell;'
And down they digged through earth's dark womb,
And ransacked all the burning cell.

Old Satan lent them fiery stores,
Infernal coals, and sulph'rous flame;
And all that burns, and all that roars,
Outrageous fires of dreadful name, &c.

published by his biographer, Mr. Orton, in 1755, and went through six editions, were chiefly composed on texts of Scripture upon which the author designed to preach, and were intended to be sung after the sermon; they naturally, therefore, contain the sentiments upon which the preacher was likely to enlarge, and hence their didactic and somewhat laboured character.

Doddridge had a bad ear, and his lines do not usually flow so harmoniously as those of Watts. He was the head of the seminary for Dissenters at Northampton, and died at Lisbon in 1750, where he lies in the burial ground attached to the British factory.

There is no great poetical imagination, or grace of diction, in the majority of Doddridge's hymns, which can justify their adoption in any modern books, to the exclusion of far finer compositions both of ancient and more recent date. His Advent Hymn,—

Hark, the glad sound! The Saviour comes,

is excellent, far superior to the two which have found their way into the Prayer-book—

High let us swell our tuneful notes,

and

My God, and is Thy table spread.

A dozen Christmas hymns, both ancient and modern, might be found better than the first; and there was no occasion to have recourse to a Nonconformist on a subject celebrated by almost every ancient writer whose hymns are extant, to which Bishop Heber added another, inferior to none of them—

O Saviour, whom this holy morn.

With respect to the Sacramental hymn, if such hymns are to be sung at all, it is well enough, especially considering it as the work of a Dissenter; but there seems to be a painful unreality, bordering upon irreverence, in its being sung by a whole congregation promiscuously, young and old, communicants and non-communicants.

The following reflexions of Alexander Knox on the comparative merits of the three writers last noticed are worthy of attention, though it will be seen that he rated Doddridge more highly in the scale of hymnists than his works appear to us to justify.

Among modern non-conformists, no man so addicted himself to the study of the Church of England divines as Doddridge; and the result was, that Doddridge was one of the truest perfectionists in the world. It was a pity that such uncommon excellence should

have been obscured by that extravagant prejudice in favour of unrestrained self-direction in matters of religion. This not only made him, in spite of his sublime piety, a strong dissenter, but it made him—most oppositely to his intention—a cherisher of Arianism. A comparison of the hymns of Doddridge, Watts, Ken, and Wesley, would show that Doddridge was above Watts, from having caught the spirit of Ken; and Wesley is deep and interior, from having added to the Chrysostomian piety of Ken the experimental part of St. Augustin. Watts is a pure Calvinist—Ken is as pure a Chrysostomian—Doddridge is induced to blend both, and the effect is valuable and interesting. Wesley advances this union. He, too, adds the views of grace to those of advanced holiness, but having derived the former through a more unadulterated medium, he is uniformly practical and experimental; yet not always rationally so. There is a prevalent interiority, but it is sometimes mystical, and sometimes eager and passionate in sentiment, and not a little uncouth in expression. These obvious faults excite a wish for something more perfect; and yet, these faults apart, I certainly, as I said before, know no other equal specimen of pure, primitive piety, or rather of Scriptural united piety, except in our Liturgy.*

The hymns of James Montgomery, who was a member of the Moravian body, are well known and deservedly popular. He tells us he was educated in the retirement of Fulneck, utterly ignorant of the world, and its every-day concerns. This circumstance may in some measure account for the troubles in which he subsequently was involved—little in unison, one would imagine, with his previous training,—as editor of the *Sheffield Iris*, in which capacity he seems to have felt himself called upon to undergo a species of political martyrdom for the publication of liberal opinions, and was more than once imprisoned in consequence of suits instituted against him for sedition by the Government of the day, less tolerant then than now of the freedom of the press.

This somewhat turbulent period of his life formed an episode during which the calming occupation of hymn-making was laid aside; for he says, in a letter dated 1807, 'When I was a boy, I wrote a great many hymns; indeed the first fruits of my mind were all consecrated to Him who never despises the doing of small things, even in the poorest of His creatures; but as I grew up, and my heart degenerated, I directed my talents, such as they were, to other services; and seldom indeed since my fourteenth year have they been employed in the delightful labours of the sanctuary.' The *Christian Psalmist* was published in 1825, and *Original Hymns for public, private, and social devotion*, as late as 1853, in which year, being then far

* *Remains of Alex. Knox*, iii. 225. He praises especially the hymn—
Thou Lamb of God, Thou Prince of Peace!

advanced in life, he composed his last hymn, expressly to suit the tune of 'Adeste Fideles,'

O, come all ye weary,
Ye heavily laden,

which possesses, however, little merit beyond the fact of its being the work of an octogenarian poet.

No editor in modern days has tampered more freely with the compositions of others than Mr. Montgomery, both in his *Christian Psalmist*, and in the *Moravian Hymn-book*, which was submitted to his supervision, and he does not hesitate to avow, and even to glory in, the liberties he has taken. Frequent mention of them occurs in the voluminous chronicles of his life with which the world has lately been favoured. 'Good Mr. Cotterill and I,' he says, 'bestowed a great deal of care and labour in the compilation of the *Sheffield Hymn-book*, clipping, interlining, and remodelling hymns of all sorts, as we thought we could correct the sentiment, or improve the expression. We so altered some of Cowper's that the poet would hardly know them.' Yet this proceeding, which Wesley had complained of long ago,* and which Miss Aikin calls 'an intolerable fraud; worse by far than forging one's name to a cheque,' was resented by Mr. Montgomery with considerable asperity when ventured upon in connexion with his own writings. He calls it 'the cross by which every author of a hymn may expect to be tested, at the pleasure of any Christian brother, however incompetent;' and after complaining of the alterations of 'good people, who, not quite approving my thoughts or phrases, have felt no scruple to make me responsible for theirs,' he concludes with an admonition, which in the mouth of a less unscrupulous perpetrator of the offence he deprecates, would not be unreasonable,—

> I wish, if Christian people avail themselves of compositions in this class, they would either accept them as they are, or at least (which a few have done) consult the author, before they mend or mar them for their own satisfaction; not being aware that in most of such cases, the original reading will be preferred by the multitude, to the factitious erasures and interpolations of empyrical meddlers with things which they do not understand, and cannot appreciate for want of taste.

The hymns thus jealously guarded are more adapted for private use than public worship,—the greater number of them

* 'Many gentlemen have done my brother and me (though without naming us) the honour to reprint many of our hymns. Now, they are perfectly welcome so to do, provided they print them just as they are; but I desire they would not attempt to mend them, for they really are not able.'—Preface to *Wesleyan Hymn-book*.

are meditations. The two which are most commonly to be met with in collections, are not addressed to the Supreme Being, viz.:—

Angels from the realms of glory,

and

Songs of praise the angels sang.

The same remark applies to the stanzas on Prayer, very beautiful in themselves,

Prayer is the soul's sincere desire.

His versions, or rather paraphrases, of Psalms are often excellent, of which may be particularized,

Ps. 72. Hail to the Lord's Anointed.
Ps. 122. Glad was my heart to hear.
Ps. 116. I love the Lord, He lent an ear.
Ps. 39. Lord, let me know mine end.

Mr. Montgomery reached his eighty-fourth year, and died in 1854.

The fine Advent hymn,

Lo! He comes with clouds descending,

than which none is more universally adopted, both by Churchmen and Dissenters, is the work of a Methodist named Thomas Olivers, a Welshman, born at Tregonan in 1725. He was a shoemaker by trade, and was brought up nominally as a Churchman, but being of loose habits until he was converted from them by the preaching of Whitefield, he joined the Methodists, and ultimately became a local preacher. He was a fiery, hot-headed partizan, though earnest and effective in his vocation, and took a vehement part in the controversy already mentioned between Wesley and Toplady, which brought upon him the ridicule of the latter in some satirical lines with which he diversified his more serious arguments, and gave vent to the not unnatural contempt of a man of education for the cobblers, porters, and divers illiterate antagonists arrayed against him, in which he introduces Wesley enumerating his partizans thus:—

I've Thomas Olivers the cobbler
(No stall in England holds a nobler)
A wight of talent universal,
Whereof I'll give a brief rehearsal;
He with one brandish of his quill
Will knock down Toplady and Hill. &c.

Mrs. Carter heard this hymn sung at St. Paul's Cathedral as an Advent Anthem, in 1753; and gives it at full length in her letters. But the first stanza only is Olivers'—the rest are spurious.

Another hymn by this same cobbler—

The God of Abraham praise,

is written with great spirit and pathos, and would be no discredit to any more educated author.

Whether Dryden's hymn,

Creator Spirit! by Whose aid,

is to be assigned to the first part of his life, when he was an Anabaptist, or to the last, when he was a Romanist, is uncertain, though as it is a paraphrase of *Veni Creator Spiritus*, it may be presumed to belong rather to the latter. Few compositions have suffered more severely by the emendations of editors; but as it stands in the author's own language, it is a worthy rendering of Charlemagne's hymn.

Another address to the Third Person of the Blessed Trinity,

Come, Holy Spirit, come!

was written by Hart, a follower of Whitefield; it is, in fact, the Methodist version of *Veni Creator*, or rather of *Veni Sancte Spiritus*, which it greatly resembles.

Logan, a Scotch Presbyterian, who for his skill in psalmody was chosen in 1773 one of a body of persons to aid in improving the provision for singing in the kirk, is the author of several fine hymns, of which may be mentioned—

O God of Bethel, by whose hand
Thy people still are led,

and three others less generally known, viz.:—

The Lord who once on Calvary bled.
Where high the heavenly Temple stands.

and—

The hour of my departure's come.

To the celebrated Richard Baxter are popularly assigned two hymns, both of which bear the stamp of earnest devotion which characterized that great man in the midst of a cruel and fanatic generation:—

Ye holy angels bright;

and another of which a few stanzas are subjoined.

Lord, it belongs not to my care
Whether I die or live;
To love and serve Thee is my share,
And this Thy grace can give.

Christ leads me thro' no darker rooms
Than He went thro' before;
He that into God's Kingdom comes
Must enter by this door.

Come Lord, when grace hath made me meet
Thy blessed face to see;

For if Thy work on earth be sweet,
What will Thy glory be?
Then shall I end my sad complaints
And weary, sinful days;
And join with the triumphant saints
Who sing Jehovah's praise.
My knowledge of that life is small,
The eye of faith is dim;
But 'tis enough that Christ knows all,
And I shall be with Him.

A very touching hymn—

O Thou from whom all goodness flows,

is assigned to Humphries; but who he was, and whether Churchman or Dissenter, is apparently unknown. To him, and to very many others, who, in their day and generation, 'recited verses in writing,' which have survived their memories, and have solaced the hearts of the pious, and furnished forth the praises of God for the congregations of the faithful, may be applied the words of the Son of Sirach, 'There be of them that have left a name behind them, that their praises might be reported, and some there be which have no memorial, who are perished as though they had never been.'

The Church of England teems at the present time with hymn-books drawn from the sources above noticed, and others of a more obscure nature, so full of discrepancies in the readings of the same original compositions, in the quantity to be sung, in size, in price, in metre, in dedication, and, above all, in doctrinal tendency, that, in the language of the Reformers of the Prayer-book, 'we do declare ourselves in the face of the world to be more studious of innovation and new-fangleness, which (as much as may be with the true setting forth of Christ's religion) is always to be eschewed, than of unity and concord.'

More than a quarter of a century ago, the *Quarterly Review* suggested the propriety of the issue by the Society for Promoting Christian Knowledge of a selection of hymns for public worship, and predicted its gradual acceptance by most congregations. In 1853, the experiment was at length tried; but whatever may be the amount of favour which that very inadequate work has obtained, it has certainly not stopped the flood of new hymnals, and it is clear that a book which by common consent shall be allowed to deserve the direct and express imprimatur of the heads of the Church is still a desideratum.

It would simplify the task of compiling such a selection, if the distinction were clearly kept in view between hymns suitable for public use, and hymns edifying in private meditation.

Whitefield said, 'hymns composed for public worship ought to abound much in thanksgiving, and to be of such a nature

that all who attend may join in them without being obliged to sing lies, or not sing at all.' This seems aimed at the class of hymns called *experimental,* such as that pathetic one of Cowper—

Far from the world, O Lord, I flee;

and another by the same author, appropriate to a sorrowing spirit in private, but obviously unfit to be converted to general use by the substitution of the first person plural for the first person singular—

God of my life, to Thee I call.

It seems most unreal for people to *sing* such lines as these,

Have we no words? O think again!
Words flow apace when we complain,
And fill our fellow-creature's ear
With the sad tale of all our care, &c.

Hortatory hymns, too, seem unsuitable for congregational singing, such as—

Hasten, sinner, to be wise,
Stay not for to-morrow's sun, &c;

and, again—

Return and come to God,
Cast all your sins away;
Seek ye the Saviour's cleansing blood,
Repent, believe, obey, &c.;

which are both to be found in a most popular selection, graced with a mitre on the cover.

Hymns, too, couched in similitudes, or descriptive of scenery, such even as Bishop Heber's

I praised the earth in beauty seen,
With gardens gay of various green, &c.,

might be barred from public worship without any loss to the selection. Bald doctrinal statements, also, or hymns founded upon a didactic basis, might be dispensed with; such as Hart's

Let us ask the important question
(Brethren be not too secure),
What it is to be a Christian,
How we may our hearts assure?

or that of Newton—

'Tis a point I long to know,
Oft it causes anxious thought,
Do I love the Lord or no?
Am I His, or am I not?

Pope's famous Ode,

Vital spark of heavenly flame!

a favourite anthem with the village choirs of former days, is justly omitted in most modern hymn-books; and yet it is in itself a poem of very considerable merit. It was written at the request of Steel, and Pope says, 'You have it, as Cowley calls it, just warm from the brain; it came to me the first moment I waked this morning, yet you'll see it was not absolutely inspiration, but that I had in my head, not only the verses of Hadrian, but the fine fragment of Sappho.' Warton says he had in his head, also, the verses of Thomas Flatman, an obscure rhymer of Charles the Second's day—

> When on my sick bed I languish,
> Full of sorrow, full of anguish;
> Fainting, gasping, trembling, crying,
> Panting, groaning, spiritless, dying;
> Methinks I hear some gentle spirit say,
> Be not fearful, come away,

which certainly bear a strong resemblance to Pope's lines.

A numerous class of hymns may also be excluded, both ancient and modern, in which language is addressed to Almighty God of a character scarcely less than *amatory*. Bishop Heber observes, with just severity, 'It is not going too far to assert, that the brutalities of a common swearer can hardly bring religion into more sure contempt, or more scandalously profane the Name which is above every name in heaven and earth, than certain epithets applied to Christ in our popular collections of religious poetry.' The fault was one which did not escape the eye of John Wesley, who, speaking of Watts's *Horæ Lyricæ; or Songs dedicated to Divine Love*, says, 'They are too amorous, and fitter to be addressed by a lover to his fellow-mortal, than by a sinner to the Most High God.'* In one of his sermons, preached in 1789, only two years before his death, when he was in his eighty-sixth year, there is a passage which, as expressing the mature convictions of that extraordinary man, is worthy quotation:—

> It was between fifty and sixty years ago that my brother and I became acquainted with the so-called Moravian brethren. I translated many of their hymns for the use of our own congregations. Yet I am sure I have taken sufficient care to pare off every improper word or expression; every one which may seem to border on a familiarity which does not suit the mouth of a worm of the earth, when addressing himself to the God of Heaven. I have, indeed, endeavoured particularly, in all the hymns addressed to our

* Watts himself was 'bold to assert that he had secured them from being perverted and debased to wanton passions,' and defends himself by example of Solomon's Song and Psalm xlv.

Blessed Lord, to avoid every *fondling* expression . . . . Some will probably think I have been over-scrupulous with regard to one particular word, which I never myself use either in verse or prose, in praying or in preaching, though it is very frequently used by modern divines, both of the Romish and Reformed Churches; it is the word *dear*. Many of these frequently say, both in preaching and in prayer, and in giving of thanks, 'dear Lord,' or 'dear Saviour,' and my brother used the same in many of his hymns. But may I not ask, is not this using too great familiarity with the Great Lord of Heaven and Earth? We do well to be cautious in this matter; here is not room for indulging a warm imagination. I have sometimes almost scrupled singing (even in the midst of my brother's excellent hymn),

That dear disfigured Face,

or that glowing expression,

Drop Thy warm Blood upon my heart,

lest it should imply forgetting I am speaking of 'The man that is My fellow, saith the Lord of Hosts.' Would not every sober Christian sincerely desire constantly to experience such a love to His Redeemer (seeing He is God as well as man), as is mixed with angelic fear? Is it not this very temper which good Dr. Watts so well expresses—

Thy mercy never shall remove,
From men of heart sincere;
Thou sav'st the souls where humble love
Is joined with holy fear.

Three years before this sermon was preached, Wesley had exercised a vigorous and unsparing censorship upon many hymns admitted into the earlier Methodist books, and in his downright language had set forth principles of revision, which might with great benefit be applied to most modern collections in the Church of England.

Out of two hundred and thirty hymns, I have omitted thirty-seven. These I did not dare palm upon the world, because fourteen of them appeared to me very flat and dull; fourteen more mere prose tagged with rhyme; and nine more to be grievous doggrel. But a friend of mine tells me some of these, especially two, which are doggrel double-distilled—namely,

Thou despised Nazarene!

And,

A Christ I have, O what a Christ have I,

are hugely admired and continually echoed from Berwick-on-Tweed to London. If they are, I am sorry for it; but I dare not countenance in any degree such an insult on religion and common sense.

With all these drawbacks, however, to which many others might be added, the famous dictum of Johnson is not tenable, that poetry and devotion are things incompatible with each

other.* It may be true, as Mr. Montgomery says, that 'the appearance of a genuinely good hymn is about as rare as that of a comet;' nevertheless, both in ancient and modern times, they have appeared in sufficient numbers to furnish materials for an ample volume, in which the grave and sober simplicity befitting hymns to the praise and glory of God is to be found; which aim at expressing the feelings of the soul, whether contrite, joyful, or intercessory, without exaggeration or effort, and reject antithesis, and forced metaphor, and anything bordering upon mere *prettiness* of language and idea. And surely it does become us to apply to hymns no less jealously than to prayers, the weighty caution of the Preacher, 'be not rash with thy mouth, and let not thine heart be hasty to utter anything before God; for God is in heaven and thou upon earth, therefore let thy words be few.'

Judging, indeed, from the multiplication of hymns and hymn-books which is daily going on, it might have been written, 'let thy words be many.' If Hippolytus is right in assigning as one of the signs of the near approach of the great final apostacy, the fact that the singing of psalms shall cease, that consummation would seem to be still distant. The Germans have some four thousand hymns; the Moravians twelve hundred; the Wesleyans eight hundred; the Congregationalists six hundred; and the largest collection in use in the Church of England between eight and nine hundred.

It is difficult, however, to understand the object of such an unbridled variety, or to see why a much less ponderous selection should not be sufficient for any congregation. Even Whitefield, lover of hymns as he was, said, 'I think three or four stanzas, with a doxology, are sufficient to be sung at one time. I am no great friend to long sermons, long prayers, or long hymns; they generally weary instead of edifying.' The rule could not be in all cases followed without exception; but considering that the New Version of the Psalms at the end of the Prayer-book contains many that are very long, and that about twenty-two other hymns and metrical pieces are appended to them besides, the space thus occupied would amply suffice for about one hundred psalms and two hundred hymns, averaging four stanzas each. The bulk of the whole book would thus be the same as at present, and its price need not be increased; and in a short time the people would become possessed, by this arrangement, of a good and portable selection bound up with their Prayer-books, and wherever they go would be enabled to join in the psalmody.

* 'Let no pious ear be offended, if I advance, in opposition to any authorities, that poetical devotion cannot often please.'—*Life of Waller.*

If the Old or New Version, and other hymns, had been added to the Prayer-book by an Act of Convocation, it might be argued that a similar act is requisite for their abolition, and the substitution in their stead of any other psalmody; but it has been shown that the authority of Convocation was never extended to them, so that there is no absolute necessity for its interference now, although as a matter of abstract propriety such a sanction is desirable. At all events, it would be better to stretch a point in this matter, than to acquiesce any longer in a psalmody which is a blot upon the Prayer-book, or else in the unbounded and daily increasing licence of a legion of self-constituted editors.*

Why, it may be fairly asked, should it be regarded as an absolutely impossible thing that the Church of England should ever again set forth any new document whatever by authority? That such a possibility was contemplated by the Reformers is plain from the very first sentence of the preface to the Prayer-book, wherein we are told that 'it is but reasonable that upon weighty and important considerations, according to the various exigencies of times and occasions, such changes and alterations should be made as, to those that are in place of authority, should from time to time seem either necessary or expedient.'

The Church of Rome has her sacred hymns in her Breviary, different in different countries, and in different dioceses of the same countries; the American Church has appended metrical psalms and hymns to the Prayer-book by authority of her Bishops; the Scottish Church has just put forth a Hymn-book under Episcopal sanction; the Moravians set forth their Liturgy and hymns in one volume, with the sanction of their general Synod; the Wesleyan Conference authorizes the Hymn-book of John Wesley only; the Congregational Union has framed a new book by aid of a select committee; the psalmody of the Scottish Kirk is regulated by the General Assembly; it is surely not too much to hope that the day is not far distant when it may be added that the selection of psalms and hymns appended to the Prayer-book of the Church of England has been supervised by 'those in place of authority,' and is set forth for the use of faithful members of that Communion with their deliberate recommendation and approval. C. B. P.

---

* The *Salisbury Hymn-book*, edited with great labour, and an evidently sincere desire to do justice to the subject, by Earl Nelson, with a very brief note of approval from the Bishop, is one of the latest publications of the kind which has appeared. What *authors* would say to Lord Nelson's somewhat bold alterations and emendations may be conjectured from what has been referred to above. (p. 156.)

THE NORSEMEN IN ICELAND.

THE annals of Iceland begin with a short but significant notice under the year 803. 'King Gautrek, of Denmark, led a host into Germany;' and under the year 806 we read another as full of meaning: 'The fall of Gautrek, the Dane king, and 19,000 men with him.'* Significant, because this was the last of those great expeditions by land which the North threw upon the West of Europe, and because its total defeat by Charlemagne marks the end of an old and the beginning of a new state of things. For centuries a great tide of immigration had set steadily across Central Europe from the North-East, and, prior to the reign of the great emperor, the population of the countries north of the Alps, south of the Baltic, and east of the Rhine, was in a constant state of change and tumult. The elements of civilization and order were there, but they were kept in suspension by continual disturbance. Charlemagne stopped the influx of invaders, collected the floating elements, and though his mind, far before its age, was unable to accomplish all its purpose, yet he threw European society into its only possible shape, and crystallized it round the person of the king, in what was afterwards called the Feudal System. Whatever day-dreams he may have had, however much he may have fancied that the bitter lessons he had given to the Saxons and their Danish auxiliaries on the one hand, and the fiery enthusiasm of the Saracens on the other, would have sufficed to secure for his heirs the Empire of the West, as he had restored and upheld it with a giant arm, these dreams and fancies were, we know, dispelled in his last days by the reappearance of the evil which he thought he had checked for ever, in a new shape. After the beginning of the ninth century we hear of no more great invasions by land, but we hear across the ocean the angry roar of

* *Íslenskir Annálar Havn.* 1847.

the billows of those expeditions by sea which the Norse Vikings led, almost without interruption, for two hundred and fifty years, against the kingdoms of the South and West. To the princes, the statesmen, and the priests of Christian Europe the affliction must have been great and the plague intolerable: it must have seemed hard that kingdoms so lately established, nations so recently converted, and laws and institutions so successfully introduced, should be destroyed and demolished by heathen barbarians; but Providence, working in history, does nothing in vain—'God fulfils himself in many ways,' and perhaps, on a little inquiry, we may see that these very barbarians brought with them from the frozen North an element of progress, a dash and energy wedded to an endurance and perseverance which no other European race possessed. Europe, if we may be allowed to say so, was in danger of becoming too 'comfortable' at the beginning of the ninth century. The two nations at least destined to run neck and neck in the great race of civilization—Frank and Anglo-Saxon—had a tendency to become dull and lazy, and neither could arrive at perfection till it had been chastised by the Norsemen, and finally forced to admit an infusion of Northern blood into its sluggish veins. It is not, however, our intention to linger over the relations of the Norsemen with the West. We must content ourselves with indicating a fact which we have no time to develope. The expeditions of the Vikings had many causes. The poverty and bravery of the North brought face to face with the wealth and weakness of the West was one. Another was the fury of an expiring faith —its last lambent flickering flame—against a creed which seemed to contradict every article of the old belief;* another, the overpopulation of countries where existence is always more or less a struggle with the elements, and life a daily battle with distress; another, the multitude of petty kings all tracing their descent from Odin—of royal younger sons, in fact, whose fathers drove them out to seek a new kingdom across the wave. Strange as it may seem to our modern notions, commerce and traffic was another great cause, for in early times a trading ship is easily turned into a pirate, and opportunity made the thief in the ninth even more readily than in the nineteenth century. No wonder, then, when all

* This is self-evident; but the following, from the *Laxdæl S.*, p. 170, well expresses the feeling of contempt with which Christianity was regarded by the Norse champion, Þá tók Kjartan til orða ok maelti til Bolla:—'Hversu fúss ertu frændi at taka við trú þeirri er konúngr byðr?' 'Ecki em ek þess fúss,' segir Bolli 'þvíat mèr lízt siðr þeirra veykligr mjök.' It appeared altogether weak and effeminate.

these causes were at work, and just at the same time the old outlet and safety-valve by land for the exuberance of the North was shut up by Charlemagne's system, that these bold spirits betook themselves to the sea, and, gathering strength as they went, first wasted periodically the coasts, and finally permanently conquered whole districts and countries which the old inhabitants were unable to defend. But besides all these causes which were of old standing in the North, there was another of new date, unknown before the ninth century, and in which the kingcraft of Charlemagne may be said to have recoiled on the heads of his children. Men, and especially kings, are imitative animals—they copy one another by natural instinct, and the purple of one tyrant tinges the mantle of another, as grape lends colour to grape. Thus, no sooner had Charlemagne, a great and original mind, reproduced under new conditions the Byzantine system in his Capitularies, Constitutions, Missi Dominici, High Functionaries of State, and whatever else he may have introduced, than all the kings of the West were bitten with the same desire, and servilely copied a scheme which their semi-barbarous minds were incapable of understanding, and which even the genius and will of Charlemagne could not maintain beyond his own day. With him it falls, and leaves scarce a wreck behind. Thus Offa in England must be a great king, and have his laws and constitutions *à la* Charlemagne, and after Offa this was the craze of many an Anglo-Saxon petty prince, who made his mass priest insert his name in his charters as Basileus and Imperator, who was no longer content to be king after the old Saxon fashion, *primus inter pares*, divinely descended, the leader of the tribe in war, and entitled to certain aids and assistance from his people at large. No, he must be a king indeed—he must possess more than his share of land; he must surround himself with thanes and officers, butlers, marshals, and treasurers, and, by so doing, encroach on the rights and liberties of his people. Nay, towards the latter half of the ninth century, we find this desire invading the North itself, and becoming a powerful cause of emigration towards the West. The case was the same both in Sweden and Denmark; but the following account of Harold Fairhair's rule in Norway will best show what is meant:—

In the year 868 Harold Fairhair became sole king over Norway, but before him there had been petty kings, and no mention is made of them here, because there were very many of them, and because they had small lands, not more than a district or headland. King Harold was a mighty warrior, and laid all Norway under him, and put out of the way some of those who held districts, and some

of them he drove out of the land, and, besides, many men escaped out of Norway because of the overbearing of Harold Fairhair, for they would not stay to be subject to him.

Freedom, then, what we all seek, was the final cause which drove the old freeman, living, as the phrase well expresses it, 'a man for himself' upon the allodial possessions which his ancestors had occupied from time immemorial, to seek a new home for himself and his children. By the middle of the ninth century the isles so thickly clustered round the north of Britain—Hebrides, Orkney, Shetland, Ferro, and even the north and west of Scotland itself—had been seized and occupied by rovers from the North; but as Harold's power increased—and it extended even to the Hebrides,—the number of those who fled from it increased too, and just then a refuge was discovered, a new land found, the inhabitants of which were destined to play no small part in the history of the time. First came Naddod, the Viking, or sea-rover. Bent on a summer voyage from Norway to the Ferro Isles he was driven out of his course west, and found a great land; landing in a firth on the eastern side, they climbed a high fell to see if there were any sign of men, but they saw nothing. In the autumn they set sail for Ferro, and, as they ran under the land, a great fall of snow came down upon the fells, and so they called that land 'Snowland;' and when they got home they praised it much.* Next came Gardar, a Swede, who set out to seek for 'Snowland' under the direction of his mother, who had the *second sight*.† He made the land at its eastern extremity, and sailed round it north about, and found it was an island. He stayed the winter over in the North, and, when he went back to Norway, he too praised the land much. After his voyage the land was called Gardar's Isle, and when he found it, 'it was wooded between fell and firth.' Then came a great Viking, Flóki Vilgerdson: he went out to look for Gardar's Island, and, besides other things, took three ravens with him—Odin's holy birds,—and, when he was in mid-sea, he let them loose. Two fail, but the third flies straight stem forward, in the quarter where they afterwards made the land. They, too, struck the eastern extremity, and, sailing south, saw great fells, broad firths, and high waterfalls, and knew that it must be a great land. As they sailed along the coast they passed the Faxa Firth, which Flóki called after Faxi, one of his shipmates, and, rounding Snæfells-ness, where the great mountain, in its robe of everlasting snow, rises 6000 feet from the sea, they ran across the Broad Firth, and landed at Water Firth, on the north-western shore. The firth

* *Íslendinga Sögur*, i. 26.

† 'At tilvísan móður sinnar framsýnnar.'—Ibid. 27.

was full of fish, and the rovers, eager to secure a winter supply, devoted all their time to this prize. But in Iceland, though man lives chiefly by fish, cattle live by hay, and when the long winter came all their live stock died, because they had made no hay. The spring was cold, even to a Norseman, and Flóki, climbing a peak, saw north far across firth after firth close packed with drift ice from the Polar regions. Then he called that land 'Iceland,' a name it has kept ever since. Little tempted to stay in so inhospitable a land, Flóki was detained by a variety of causes another winter. The summer after he sailed back to Norway; 'and when men asked about the land he spoke ill of it, but Herjólf, one of his mates, mingled praise and blame of it in his story, while Thórólf, another, said, 'butter dripped from every blade of grass in the land which they had found; hence he was called Thórólf butter.'"*

Such was Iceland as it first rose before the eyes of the old sea-rovers. To some, a cold inhospitable land; to others, a tolerable abode, which it was possible to praise as well as to blame; to others, a butter land—a pasture land flowing with milk—a paradise of shepherds, in short. And so, we may say, Iceland has continued till the present day; a land bleak and inclement by nature, but still with its own advantages; a land abused by its enemies, and praised by its friends; a land now woodless and grainless, though it was not so of old, but still able to feed countless herds on the abundant pasture of its dales and hills.†

We have now arrived at two facts, which must precede all colonization. We have found a people in search of a new country where they might be free, as these times understood freedom, and an island in want of a people. Now, before the better portion of them leave the mainland, let us inquire a little more closely into the character and appearance of that terrible race, whose enmity to Christianity, and whose success in war, have caused monkish chroniclers to hand them down in their

---

* *Islendinga Sögur*, i. 30, 31.

† According to the Cyclopædias, Iceland is a large island in the North Atlantic, extending from 63° 24′ to 66° 30′ N. Lat., and from 13° 15′ to 24° 40′ W. Long. Its area is reckoned at 40,000 square miles. That is to say, to illustrate its size by that of another island not very far from us, Iceland is considerably larger than Ireland, the area of which we know to be 32,511 square miles. The population of one is not 100,000, that of the other has been over 8,000,000 within the last few years. The interior of the one is a howling wilderness, that of the other a smiling garden. In a word, nature is kind and bountiful and soft in one, niggard and stern and hard in the other. And yet this rugged nature drew men to her in old time and still holds her children to her bosom by an irresistible spell.

lifeless narratives as mere barbarians, endowed by the great enemy of mankind with demoniac energy for ill. Of the three sister kingdoms—Denmark, Norway, and Sweden—the proudest in temper, and most enduring in danger, were the Norwegians. The three together could defy the world, but the Norwegians could defy the other two. 'Never yet Danes overcame Norwegians,' cried the great Olof Tryggvason, 'nor shall they to-day.' 'These Swedes,' said the same king, on the same occasion—the day on which he was to fall before an overwhelming force of the two nations, which had waylaid him in their ships—'these Swedes will think it better fun to sit at home over their offerings than to board our ships. We need not fear these Swedish horse-eaters.'* The outward look of Swede, Dane, and Norseman was nearly the same. The tall, powerful frames of the Varangians struck the Arabs, who saw them at Byzantium, with awe and wonder, and they compared them to the palm-trees of the Desert. Broad across the shoulders, slender in the waist, deep-chested, large-limbed, but with comparatively small hands and feet,† and an open winning expression of face; these characteristics of personal beauty all races may share, but only the *fair* in face, and hair, and eye, could pass in the North for beautiful and well-born. This feeling runs through the whole history of the race like a golden thread. Baldr, the fairest of all the gods, beamed with a

---

* Olof Tryggvason, King of Norway, who fell at the battle of Svoldavog, in the year 1000, was a Christian, and used this expression to show his contempt for the heathen Swedes, who ate the flesh of the horses sacrificed to the gods.

† This is shown in many instances. Here are two. Two lovers, Asmund Kappabani (champion's-bane) and Eyvind Skinhöll, woo the fair Asa, and she agrees to choose him who can show the fairest hands in autumn. Eyvind never took off his gloves, and spent his time rather in the kitchen than in the field or on the sea. So when the appointed time came, the maiden said, as she looked at Eyvind's hands, 'These hands have been well cared for; white and fair they are indeed—little blood have they seen, and taken few blisters by tugging at the oar. Let me see your hands, Asmund.' Then he stretched his forth. Rough and black were they, with spots and warts, but as he turned up the sleeves of his kirtle, lo! there hung one ring of gold after the other, won in battle, right up to the shoulder. Then Asa said those hands were fairest.

Again; in the *Younger Edda*, when Skaði (Skathe), a daughter of the Giants, came with helm and byrnie and all war-gear to avenge her father, whom the Æsir had slain, they bade her take a ransom and atonement. It was agreed that she was to choose a husband from among the Æsir, and she was to choose him by the feet and see no more of him. Then she saw a man's feet wondrous fair, and cried out, 'This one I choose; few things will be ugly about Balldr;' but it was Njördr.

golden beauty, and from his fair face the whitest of all the wild flowers took its name. Sif, Idun, and Gerd, the fairest of the goddesses, fill earth and air and sky with the dazzling whiteness of their necks and arms; and the light elves, the fairy children of warmth and light, were fair of face and feature, while their unhappy brethren, the dark elves, swarthy of hue, were condemned to darkness in the bowels of the earth. So, too, in the Rigsmal, that venerable song of the *Edda* which describes the various ranks of men. The ancestress of the race of nobles has golden hair, beaming brows, and a neck whiter than the driven snow. Her son Jarl (Earl) has light hair, glowing cheeks, and grey eyes, flashing like those of a snake; he wins and woos Erna, a maiden tall, and free, and fair. In a word, every man, as a general rule, who claimed to be well-born and handsome, must have fair, or at least brown, hair. Black hair and a dark skin, and especially black eyes, passed for ugly, for they were the mark of an alien race, and aliens in an early stage of society are hated and despised. So, in the same poem, the outward appearance of the slave is thus contrasted with that of the noble and free. Black and ugly they are, their forefather, Thrall, had a broad face, bent back, long heels, blistered hands, stiff, slow joints, and clumsy fingers. His wife, Thý, is bandy-legged, flat-nosed, and her arms are brown with toiling in the sun. Their children are like them. 'Be a slave, black and bad,' was a common curse, and it could not be otherwise, for the freeman thought that with the loss of freedom was coupled the loss of all that was noble and beautiful in human nature, and he instinctively associated the ideas of beauty and fairness with himself and his order, and transferred those of blackness and badness to the aliens, of whose persons he was continually becoming master by the power of his sword and spear. One example, from Icelandic records, will prove the depth of this feeling. Hjörr, a petty Norse king, went on an expedition into Biarmaland—that is, to Permia, somewhere perhaps about Archangel, then held by Finnish tribes. There he seized and carried home with him as his bride Ljúfvina, the king's daughter; and when he next went on an expedition he left her behind him in Norway. It happened then that she bore him twin sons, and one was called Geirmund and the other Hámund. They were very black. At the same time one of her female slaves had a son too. His name was Leif, and he was fair and white. So the queen changed her twins for the slave's son, and took Leif for her own; but when the king came home he was not at all pleased when he looked at Leif, and said he would turn out a poor fellow. Now the next time the king went a sea-roving, the queen sent for Bragi, the Skald, and

bade him guess the temper of the children, who were then three years old. She shut them up in a room with Bragi, and hid herself in a gallery above. After a while Bragi sung this stave—

Two are in here,
Both I trust well,
Hámund and Geirmund,
Born to King Hjörr;
But Leif, the third,
Thrall-born is he,
No child of yours, Queen!
None can be worse.

And as he sung, he struck with his staff against the gallery in which the queen stood. So when the king came home, the queen told him the truth, and showed him the boys. He said he had never seen such 'hell-skins' in his life, and that was why they were both called hell-skins ever after. A little farther on we shall see what colour hell's skin was.*

How were they clad, this fair and manly race? Their every-day outer clothing was a coarse woollen stuff, home-spun (vadmal), usually grey, but sometimes with a brownish stripe (mórendr). Their under-clothing was of linen (lérept), also home-spun. Cotton and silk were not unknown, but naturally beyond the reach of any but great men. Grey and black were the common work-a-day colours, next came green and white in degree of favour for festal clothing; blue, and red were the most prized of all. All of them, except grey

---

* Before we leave the subject of appearance and look we may say a word or two on the nicknames or surnames (kenningarnöfn) which were so common among the Norsemen. As a general rule, and it is a rule which prevails in the lower classes in the North to this day, there were no surnames; indeed, they are a comparatively late invention in all races. A Norseman whose name, to take one of the very favourite compounds beginning with Thór, was Thórólf, and whose father was Thórsteinn, would be called Thórólf Thórsteinson, and if he had a son Thórvald, this son would be called Thórvald Thórólfson; but whenever any peculiarity existed, either of temper, or form, or feature,—if a man had performed any exploit, or suffered any shame, if there was anything in any way remarkable about him, the lively and humorous temper of that child-like age immediately gave him a nickname or surname which stuck to him all his life. Thus we find surnames taken from country or abode—'the dale-dweller,' 'the wood-dweller,' 'the Swede,' 'the Easterling,' 'the Englishman;' from age and appearance —'the young,' 'the old,' 'the short,' 'the fat,' 'the fair,' 'the ugly,' 'the squint-eye,' 'the black,' 'the red,' 'the grey,' 'the white,' 'the long-beard,' 'the flat-nose,' 'the hag-nose' (kerlinga-nef), 'the hawk-nose,' 'the spoon-nose,' 'the torch-eye;' of a woman with flashing gray eyes: 'the far-sailer,' 'the fast-sailer,' and a host of others, drawn even from animals and transferred to men.

and black, were comprised under the common term litklaedi; and we even find parti-coloured suits among the Norsemen, much after the fashion which prevailed in England in the fourteenth century.*

The articles of dress for both sexes were the same in name, and nearly the same in cut and fashion.† A shirt, loose drawers, long hose, high shoes with long thongs twisted high up the calf. A kirtle supplying for either sex the place of gown or coat, short at first, so that its ends barely came under the girdle at the waist, whence hung the man's knife and the wife's keys. An armless cloak, sometimes with, sometimes without a cowl, together with a low-crowned, broad-brimmed flapping hat, the ancestor of our 'wide-awakes,' completed the dress of the man. The great difference between the sexes was in the head-dress; instead of the hat, the women wore a wimple of linen, and over that a high-twisted cap, which sometimes was bent at the top into the shape of a horn.

Such was the dress of the Norsemen; what were their arms? Spear, sword, and axe, more rarely the bow, for offence. For defence, shield and helm and shirt of mail, the last two worn only by chiefs. The spear (geir, spjót) was the common weapon of all freemen. In the house, in the field, in the assembly it was always in its owner's hand. The point, which seems to have been short and sharp, was fastened by nails on the shaft by a socket (falr). The shaft was ashen, whence the spear itself is called ash (askr); it was polished *skafinn*, but not painted. For greater strength and weight, it was often studded with nails, and sometimes adorned with gold.‡

The spear, and still more the arrow, is, more or less, a weapon of chance, like the bullet in modern times. The strongest and stoutest man may be laid low by a shaft loosed or a trigger pulled by a weak, and even by a coward's hand. The one are particularly the arms of savage tribes, the other of the most refined civilization, so that here too, extremes meet. But the sword, which never leaves the hand, which can only be used face to face with your foeman, was peculiarly with the axe, or still more than the axe, the weapon of that middle state between

---

* Olaf. Tryggvas. S. mention is made of a certain Gunnar whose nickname was Helmingr (Halfing), because he was greatly given to clothes half of one colour and half of another.

† See the curious passage in *Laxdæl. S.* c. 35.

‡ The Sagas distinguish many kinds of spears—*krókaspjót*, which had a hook under the head, something like our halberds; the *fjadrar-spjót*, barbed spear; the *höggspjót*, answering to our old English bill; the *kesja*, which was the same as the *höggspiot*, only heavier, and which seems to have been introduced when it required a heavier shaft to pierce through the mail shirt. The best spears came from the West.

barbarism and civilization, when personal prowess had not been equalized by cunning invention, and when the strong man keeping his own could only be overcome by a stronger and more practised arm. The sword, then, was the darling of the Norsemen; it is personified and endowed with life; it is a flame, it is a snake; and the fate and fortune of its owner were often identified with it. No wonder that the songs and sagas of the race are full of praises of good swords. There was Frey's sword,* which was so good that it wielded itself in fight, which he gave to Skirnir as the meed of his errand in winning the white-armed Gerdr, the giantess; and there was Sigurd's sword, Gram, which Regin, the smith, forged for him, which could cleave an anvil, or sever a lock of wool driven against its edge by a running stream. So, too, we read of swords, the handiwork of dwarves,† which were prescient weapons, eager for blood, which once drawn, could not be sheathed till they had taken man's life, and whose wounds never healed. Such a brand was Tyrfing Svarfrlami's sword, which the dwarves Durin and Dvalin were forced to forge, and which they laid under this curse, adding that the three most shameful deeds (niðingsverk) in the world should be committed with it.‡ Such swords were handed down from father to son, though not unfrequently, as in the case of Hrólf Kraka's sword, Skofnung, no living man was thought worthy to wield the departed hero's weapon, and it was solemnly laid with his body in his cairn. Man is true to his nature in all climes and ages, and as Roland broke his trusty Durandarte in twain rather than that it should fall into infidel hands, and Arthur's Excalibur was thrown into the lake, so many a Norse Viking could not bear that the steel with which he had so often cleft his foemen to the chine should pass, even by death's grim right of succession, into other and feebler hands.

An older and less poetical weapon, but almost as great a favourite, and more in common use was the axe (öxi, eyxi). Sometimes it was made curved and bowed at the tips. It is often described as gilded, silvered, and its haft studded with iron, silver, or golden nails. It then became a thing of price (gersimi grípi), and was a gift fit for a king to give, but woe to the giver if the temper of the steel belied the golden promise of the haft.

---

* *Sn. Ed.* 37.

† As a general rule, all good smith's work, and especially armourer's work, was called *dvergasmiði;* they cut through iron and stone like feathers, nor had charms any effect on them. 'Má þat ok ecki deyfa' used of 'Grayside' a famous weapon of this kind, which the grandfather of the celebrated Icelandic outlaw, Gisli Surson, owned.

‡ *Hervar. S.* xiv. 2.

Such a great curved axe, with gilt head and silver-studded haft, King Eric Bloodaxe, of Norway, sent his friend the Icelander, Skallagrim. But no sooner did the old warrior receive it, than, to try it, he smote off the heads of two oxen. The heads flew off, but down came the axe with tremendous force on a stone which had been purposely placed under the necks of the animals, and lo! the whole edge is splintered off, and the steel that remains is full of flaws and cracks. So Skallagrim laid it up on a beam over the kitchen fire, and smoked it well, and in that state sent it back by the first opportunity to his friend the king.

A few words about the shield, and we have done with the arms of the Norsemen. It was long and covered the whole body. In colour it was white, the colour of peace, and then called friðskildi, or red, the colour of war. We need hardly say that most Norse shields were red. It had an iron boss. The frame was of linden-wood—whence the whole shield took this name, as ash was the name of the spear—covered with leather, with an iron rim. It was three-cornered, running down to a peak (spordr). Bucklers of a round form were borrowed from the Sclavonic Wends on the east coast of the Baltic.

Of such appearance, with such fair, or golden, or chesnut locks; in such attire, whether in simple every-day grey, or in his gay gala suit on solemn occasions; bearing bow, and spear, and shield, sword and axe, of more or less costly fabric, stood the Norse freeman, the old odal-bondi, the allodial yeoman, ready to embark on any expedition either of piracy or peaceful traffic, whether west to France and England, lands flowing with milk and honey; or to Ireland, scarcely less renowned for fertility, and especially the source whence he sought an unfailing supply of female slaves;* or east towards Russia and the Sclavonic countries beyond the Baltic, through which many a stout band won their way till they reached Miklagardr, the great city of the Greek Emperor, where they often enlisted as members of his body-guard. Nor were the inner recesses of the Mediterranean, Italy, Spain, the Greek Islands, or the

---

* The following Irish names, almost without exception, as slaves, occur in the Sagas, nor is the list complete:—Kiallakr, Konall, Bialfi, Biallok, Dufthakr, Kadal, Kadlin (Kathleen), Kalman, Kodran, Kormakr, Kylan, and Mabil. Kjartan became a common name in Iceland because one Olof, whose nickname was 'the peacock,' had carried off Melkorka, the daughter of Myrkjartan, or Kjartan of the Bog, an Irish king. Njal also, the great jurist of Iceland, had an Irish name, which survives in the 'Niel' and 'Neal' of the British isles. See *Laxdæl. Saga.*

Acropolis itself unknown to them. Everywhere, in short, in western and central Europe, where there was traffic to be driven or plunder to be got, where a keel would float or an anchor hold, where winds blew and billows rolled, these dauntless rovers showed their fair, but terrible features. But from these expeditions, so long as the old independence of Norway was maintained, they returned with their peaceful gains or warlike spoils to enrich and adorn the old house at home. The time was now come for a new state of things, when the rovers were to become colonists. Thus, in the middle of the ninth century, we find them settled in England, France, Scotland, and the Scottish Isles, under sea-kings or jarls, who either found independent kingdoms and dukedoms, or hold their possessions by some annual tribute to the King of Norway. This last is the relation which we find existing between Harold Fairhair and the Earls of the Orkney and Southern isles.

We have now to fix our eyes on another kind of colonization altogether—on the occupation, not of an inhabited province or island by main force under the leadership of jarl or sea-king, but of a desert island of great extent by a large body of independent chiefs with equal rights, who flock to Iceland, as it were driven by one common instinct, and combine to form a powerful republic on the edge of the polar circle.

But what was the Norse ship, that terrible apparition which filled the minds of monk and maiden, of king and counsellor, of earl and churl in Saxon England with terror and dismay? And, first, for its crew, for that will pretty nearly determine its size. They were almost invariably propelled by oar as well as sail, and thirty rowers (hásetar) was the common complement.* The lowest computation makes these rowers the third part of the crew, and the highest a sixth, or even an eighth. Certain it is, that on King Sverrir's great ship, with its three-and-thirty oars there were two hundred and eighty men. But this was a late example. The true station for the fighting men was in the bow, for the vessel was driven stem on against the foe with all the force of wind and arm. Here stood the standard-bearer (merkismaðr), and round him the frambyggiar, stafnbúar, forecastle-men. Thus, in the great naval battle of Hafursfirth, which established Harold Fairhair's supremacy in Norway,

---

* Earl Godwin's famous ship which he gave to Hardicanute had sixty rowers; but that was a Leviathan of the day. King Sverrir's great war-ship *Mariasud* had three-and-thirty oars (*Sverris S.* ch. lxxiii.), the great Ormin Lángi thirty-four.—*Hákonar. S.* ch. cclxxxi.

the king had four of his bravest champions in the bow, and next to them his twelve Baresarks. Between the stem and the mast —there was only one—stood another band; after them, in the waist (krápparrúm), which was lower, sat the rowers. Then came the cabin (lypting), which was decked over; forward there seems to have been no deck, only loose planks to stand on. Above it, on the quarter-deck, as we should call it, was the high seat of the chief or captain; and quite aft, in the skutr, sat the helmsman (vid stýrihömlu). Here, too, was the place for the pump (austrúm). Bow and stern were high out of the water, the waist was naturally low that the rowers might have free play to reach the water; but in action planks were placed,—a service performed by shields in many a viking's ship,—to protect the rowers from arrows and spears. All round the ship inside ran a gangway, on to which ports opened in the high bulwarks; and on these gangways, when a ship was boarded, a fierce struggle took place, as the assailed or the assailants strove to clear them of their foe. In time of peace, or when danger was distant, an awning was thrown over the undecked part of the ship.

Even we, in this prosaic age, have not yet ceased to regard a ship as a thing of life. It is almost the only inanimate thing which we honour as feminine. How much stronger must this feeling have been in those fresh early days, when the fulness of a living vocabulary was tempted to personify every object which met the senses? The Norseman's ship was a dragon, an eagle, a snake, a horse, a stag, an elk, a reindeer, an ox. The prow terminated in a gaping beak or jaw, the lineal ancestor of our figure-heads, and the stern exhibited some resemblance, at least, to the tail of a beast. Dragons were the most common of these decorations; and as in those simple sensuous minds the belief in evil eyes was firmly set, the staring eyeballs and gaping jaws of the monster were supposed not only to terrify but to charm and bewitch the foe on whom they yawned and glared. Hence the curious provision in Ulfljot's Icelandic code, that all masters of vessels nearing Iceland should take off their figure-heads, lest the good spirits of the land, the good genii and fairies, should be terrified by those gaping jaws.* The sails were gay and gaudy. Some with blue stripes, some with red and green. Bow and stern and rudder were often inscribed with those magical Runes which were supposed to charm away all evil influences, and even to carry the good ship safe through storms and shoals. The earliest anchors were of stone.

* *Landnám.* iv. 7; *Fornmann. S.* iii. 105.

Such men were the new colonists, and such were the ships which brought them to their new home. The first of the new comers was Íngólf, Orn's son, who, in consequence of domestic feud in Norway, sought Iceland with his foster-brother, Leif. They made the land at South Alptafirth, on the east coast, stayed there the winter, and went back to Norway, pronouncing the south coast better than the north. After that, Íngólf stayed in Norway, storing up their goods for a settlement in Iceland, while Leif went a sea-roving; and landing in Ireland, found a cave, into which he forced his way. It was dark, and the only light came from a gleaming sword, which the inhabitant of the cave held in his hand. Leif slew that man, and took the sword, and much goods beside. After that his name was lengthened, and he was called Hjörleif or Swordleif. From this cruise he brought back ten thralls. In the winter, Íngólf made a great sacrifice, for luck in his Icelandic voyage; but of Hjörleif, it is expressly said that he would never sacrifice. All the omens bade Íngólf go on and prosper, and then each got ready his ship, put all their goods on board, and set sail. This happened, according to the venerable Landnáma book, the Icelandic Doomsday, when Harold Fairhair had been twelve years king, A.D. 874. The voyagers sailed in company till they saw Iceland, and then the weather parted them. So soon as Íngólf made the land, he threw overboard the pillars of his high seat for luck, and said he would raise his house wherever those pillars came on shore. Íngólf made the land at a point called after him Íngólf's head; but Hjörleif was driven west along the coast, and fell short of water. Then his Irish thralls kneaded together butter and meal, and called it *minnþak* or 'stop thirst;' but they had no time to try the effect of this sorry substitute for water, for rain fell heavily, and they caught water enough on their awning. After a while Hjörleif made the land at Hjörleif's Head, where there was then* a firth. Here he built two halls (skála) of eighteen and nineteen fathoms each, and there he stayed the winter. When the spring came he wished to sow; and as he had but one ox he set his ten thralls to draw the plough. Then Dufthakr, the chief of these Irishmen, laid a scheme to kill the ox, and to say that a bear had come and eaten it, and then to put Hjörleif and his mates out of the way, while they sought the bear. This scheme succeeded; they went in pairs, and each thrall slew his man, as they were scattered in the wood. The Irishmen then ran off with Hjörleif's wife Helga, Íngólf's

* Which has since probably disappeared before volcanic action.

sister, together with the other women, and as much goods as they could stow in the boat, and carried them to a cluster of islands in the south, and there they abode for a while. Two of Íngólf's thralls came along the coast from the east, seeking for the pillars; and when they came to Hjörleif's Head, there they found him dead. So they went back and told Íngólf, who took it ill. He set out at once for the spot, and when he saw the dead body, he said, 'Little care was taken here for a good man and true, when thralls gave him his death-blow; and so I see it will happen to everyone who does not sacrifice to the gods.' Then he gave them all decent burial, and saw to their goods and ship, and then he went up the Head and saw those isles away south, and it struck him they must have fled thither because the boat was missing. Thither accordingly he went, and fell upon the thralls at meat, and slew them all, and these isles have been called Westman's Isles, because those Irishmen came from the west. The wives of the slain he took back with him to Hjörleif's head, where he stayed that winter; but it was not till the third winter was almost over that he found his pillars near Reykjavík, and there he set up his abode; and there those pillars were long to be seen. Here he took possession of a great tract of land, though some of his followers thought it poor compared with others which they had passed over.

'He was the most famous of all the old colonists,' says Landnáma, 'for he came out here to an undwellt land, and first set up his abode here, and other colonists followed his advice and example. His son was Thórstein, and his son was Thórkell máni the lawgiver, who of all heathen men was the best, as men's opinion goes. He made them bear him out into the sunbeams when he was on his death-bed, and recommended himself unto the hand of the God who had made the sun, for he had lived as purely as the best Christians.'

After Íngólf, whose successful settlement was soon known in Norway, came a cloud of colonists. We have only space to mention a few of them. Such was Helgi the Lean, the son of Eystein the Easterling, who, on an expedition to Ireland, won by fair or foul means Raforta, daughter of Kjarval, an Irish king, and established himself there. When Helgi was born, after the fashion of the time, they put him out to foster in the Southern Isles; but when they went thither, two years after, the child was starved, so that neither parent knew him. They took him away, and called him Helgi the Lean. He was bred in Ireland, and came to great renown when he was grown up. He, too, went out to Iceland to seek a new home with Thorun his wife, a daughter of Ketil Flatnose, and their children. Along with him went one

of those Hellskins, of whom mention was made before, Hámund, who was Helgi's son-in-law. This Helgi was, as the Landnáma expresses it, much 'mixed in his faith;' that is, he wavered between the old and the new, 'he trusted in Christ, but at the same time invoked Thor's aid whenever he went to sea, or got into any difficulty.' As soon as he saw Iceland, he asked Thor whereabouts he should land, and the answer pointed to the north of the island; and in spite of the remonstrance of his crew, who thought the voyage round the island long, and asked if he would obey Thor if he bade him go to the polar regions, he held on and ran at last into the great Eyjafirth, or island firth, to which they gave this name from the multitude of islands which filled it. After changing his abode once or twice, Helgi fixed himself for good at Christness. He took solemn possession of all that district, according to the form prescribed by Norse tradition, by riding round it with a flaming brand* against the sun, and by lighting a great fire at every waterfall on the streams.* After that many men began to settle on Helgi's district, under his leadership and advice.

Helgi, as we have seen, was half heathen, half Christian; but now we have to mention one about whom there could be no mistake. This was Thórólf Mostrarskegg. He was a great sacrificer, and trusted on Thor. He left Norway for Iceland, on account of the overbearing rule of Harold Fairhair, and sailed south along the land; and when he came west as far as Broad-firth he tossed overboard his pillars as Íngólf had done, on which Thor's image was carved; and as they fell into the sea, he said that Thor would come to land in that where he wished Thórólf to live; adding, he would hallow all the land he took possession of to Thor, and call it after his name. Then Thórólf sailed into the firth, and gave it its name Broad-firth, and landed on the south side about midway, and there he found Thor driven on shore on a point or ness, now called Thorsness. There they landed in a bight, and there he raised his house, and there he erected a great temple, and hallowed it to Thor. There were then few or no settlers on the firth, and Thórólf took possession of the whole point, and called it Thorsness; and on the point was a high peak, on which he had great belief, and

* This seems never to have been omitted. See the curious passage in *Haensa Thoris Saga*, ch. ix.:—'Nú ríðr Oddr at húsi einu, því er eigi var allt brunnit, hann seilist til birkirapts eins ok kippir burt or húsinu, ríðr síðan andsælis um húsin med loganda brandinn ok mælti 'hèr nem ek mèr land fyrir því at hèr sè ek nú eigi bygðan bólstað; heyri þat vottar þeir er hjá eru.'

called it Holyfell; thither no men unwashen dared so much as look, and nothing impure was tolerated on the fell or point. So things lasted all Thórólf's time, who established a court there, in which all disputes and business in the district were settled under his chieftainship; 'and there stood Thor's stone in that holy place, where they crushed those men whom they sacrificed, and close by it is the ring where the judges sat, who doomed men to sacrifice.'

Women came, too, and of no small family. 'Oleifr the White,' was a sea-king,* who traced himself up to Hálfdan White-leg, King of Upland, in Sweden. A weary life of war was his. He, too, went westward, and won Dublin, and made himself king there. His wife was Audr, daughter of Ketil Flatnose, and Thórstein the Red was their son. After a while Oleifr falls in battle in Ireland, and Audr and her son go to the Southern Isles, where Thórstein made a match with Thurid, sister of that Helgi the Lean, of whom we have heard. Thórstein took after his father, and became a sea-king; he made common cause with Sigurd the Strong, and they together won Caithnes and Sutherland, Ross and Morayshire, and more than half Scotland,† and Thórstein was made king over it, until the Scots betrayed him, and he fell there in battle. Audr was then in Caithnes, and when she heard of her son's fall she had a galley (knör) made secretly, and as soon as it was ready, she set sail for Orkney. There she found a husband for one of her grandchildren, and set off herself to look for Iceland, taking with her in her ship twenty freedmen. She ran her ship on a shoal and lost it, but saved her goods. The first man she sought was her brother, Helgi Bjola, who had come to Iceland some time before from the Southern Isles, and who settled at Kjalarnes under the rule of Ingólf. He asked her to stay with him with half her followers, but she thought that a mean offer, and told him 'twould be long ere he was anything else than a little man. Then she set off to seek another brother, Björn the Easterling, whom her father, Ketil Flatnose, had left behind him in Norway on his allodial holding, when he went to bring back the Southern Isles to Harold's sway. He soon reduced them, but forgot to pay the taxes to the king, who seized his land in Norway, and drove out Björn, who settled in Iceland at Björnshaven, in Broadfirth. Björn knew his sister's love of show and honour well, so he went out to meet her with all his men, and begged her

---

* Herkonúngr.

† 'Þeir unna Katanes ok Suðrland, Ros ok Merrhæfi, ok meirr enn hálft Skotland.'—*Land.* ii. 15.

to come and stay with all her train, and she accepted the offer. The spring after, Audr and her men set about looking for a fit place to dwell in. After various adventures, she took possession of all the dale country, and she set up a cross near her dwelling, for she was baptized and firm in her faith.

Page after page of the Landnáma book is filled with the catalogue of the lands which Audr, 'the deeply wealthy,' as she was called, divided among her followers. She died at a great age, and kept up her love of pomp and show to the last. When she was near her end she called all her friends and descendants together, and made them a great feast, and when the feast had lasted three nights she chose out gifts for her friends, and gave them her last words of advice; then she said the feast should last three nights longer, and that it was her funeral feast. That same night she died, and was buried in noman's land between high and low water mark, as she had herself said, because she would not be buried in unconsecrated ground, as she was baptized. So died Audr the Magnificent, the first Christian woman in Iceland, and not the least powerful of the first colonists. After her death her relations lost their faith, and returned to heathendom.

Another of these settlers was Íngimund, 'the old,' sprung from one of the most powerful Norse families. His reason for leaving Norway was a strange one. Heidr, the witch or prophetess, had *spaed* that he and his foster-brothers should all inhabit a land, which was still undiscovered, in the Western Main. Íngimund said that should not be, but the witch held her own, said it must be, and gave him for a token that something would pass that moment from his purse, nor be found till he dug a foundation for the pillars of his high seat in that new land. Íngimund thought nothing of the prophecy or his loss. He went West, sea-roving, and came back just in time to take King Harold's side, in the great battle of Hafursvik. Harold gave him a wealthy woman to wife, and honoured him much, but Íngimund could thrive nowhere in Norway. Then King Harold urged him to follow his fate to Iceland; Íngimund said he had never thought of such a thing, but still he sent two Finns in another shape* to search for the thing he had lost long ago. It was an image of Frey, made of silver. Back came the Finns, and had found the image, but could not touch it; but they told Íngimund he would find it between two woods, and told him beside the whole lay of the land where he was to dwell. After that Íngimund got ready to sail, taking with him many friends and relations. They made

* Í hamförum, according to the fixed belief of the time that certain persons could at pleasure assume the shapes of animals. *We* should only call the Finns 'clear-seeing media.'

the south coast, and were the first winter with Grim, Íngimund's foster-brother, but next spring they went north, across the heaths, to look for the predicted spot. On and on they went, giving names to new districts, till the summer was spent. Next winter they stayed at Íngimund's holt, and thence, when the snow came down, Íngimund saw a snowless fell south. Thither they went when spring came, and there Íngimund knew the land which had been pointed out to him. He took to himself all Vatnsdale, and lived at Hól, and there, too, he found his image of Frey as he dug a foundation for his pillars. Landnáma tells us how he portioned out his land amongst his kinsmen and followers; how he found on the ice, in one of these north-western firths, a she-bear and two cubs—the first white bears Norsemen had ever seen, floated from Greenland on the floe. These strange beasts were a present fit for a king, and Íngimund sailed *out*, as it was called, that is back to Norway, and gave them to King Harold. The king gave him a ship and a load of wood in return, and so he sailed back with two ships coasting the north of the island past Skagafirth, and so on till he ran into Húnafirth, that is 'Cubfirth,' where he had found the bears. On his voyage to Norway he must have crossed the heaths again to the south coast, and there taken his ships. The end of this great chief was tragical. Hrolleifr the Tall, a worthless fellow with a strong arm and a sorcerer mother, nephew of Sæmund, one of Íngimund's old Viking brothers in arms, had come out to Iceland, and got into all sorts of scrapes, seducing maidens and slaying their brothers at a terrible rate, with small harm to himself, 'for he had a kirtle on which no iron would bite.' At last Sæmund sent him to Íngimund, and he gave him an abode. He had the right to fish in a stream hard by except when Íngimund's household came to the stream; but one day he would not leave the water for Íngimund's sons, and had a fight with them across the stream. Then some one ran and told Íngimund, who was now old and blind; but he mounted his horse, and went to part them down the stream, led by one of his men. In the *mêlée* Hrolleifr threw a spear, and it went through Íngimund. Then Íngimund turned, and went home, and sent a lad to tell Hrolleifr to fly, for he was smitten to death, and when Íngimund's sons came home there sat their father, stiff and dead, in his high seat. And this was the end of Íngimund the Old, whom his sons speedily avenged.

One more of these first colonists, and we have done. Rögnvaldr was a Norse Jarl. One of his sons was Ivarr, who went with Harold Fairhair on his expedition to the Southern Isles, (the Hebrides), and fell there; the second was Hrolf Ganger, *i.e.* Rollo the Walker, 'who,' quietly adds the *Landnáma*, 'won

Normandy. From him came the Earls of Rouen and the Kings of England.' The third was Earl Thórir the Silent, who married one of King Harold's daughters, who was the grandmother of the great Hakon Jarl. Besides these children by his equal match, he had three sons by a concubine—Hrollaugr, the first; Einarr, the second; and Halladr, the third. This third son had been made Jarl of Orkney, and was turned out by his subjects. And when Rögnvaldr heard that, he called all his sons together, and asked which of them would go and subdue the Islanders. First came Thórir, and bade his father get ready his ships, but he was his darling son, and he said, though he was well fit for the work, he must stay at home, and succeed him. Then Hrolf, the tall champion, stepped forth, so tall, that no horse could carry him—he was ready to go. 'Just the man,' said his father, 'so far as strength and daring go, but too untamed in spirit as yet to settle down quietly.' Then came Hrollaugr. 'Do you wish me to go?' Rögnvald replied he would never do for an earl. 'You have a temper quite unfit for strife; your path lies to Iceland; in that land you will be famous, and rich in family and friends, but in this quarter your fate does not lie.' Then Einarr came forward, and said, 'Let me go to Orkney, and I'll give you my word that you shall never set eyes on me again, and that you will think the best thing that can happen.' The Jarl answered, 'It likes me well that you go away, but I have little hope of you, for all your mother's side were born thralls.' So Einarr sailed away, and subdued the islands, as it is told in his *Saga*. As for Hrollaugr, he took himself off to King Harold, and stayed with him awhile, for that father and son never hit it off in temper after that day. Some time after he sailed for Iceland by the king's advice, and having followed Ingólf's example, and thrown his pillars overboard, found them in the West, and dwelt there. He was a great chief, and kept up his friendship with King Harold, though he never went back to Norway. King Harold sent him a sword and drinking-horn, and ring of gold five ounces in weight, and these precious things were long famous. From him was descended the great family of the Sturlungs.

The example set by these great chiefs was speedily followed by others, and then ensued such a rush to the new land from Norway, that at last King Harold set his face against the Exodus, for he feared that Norway would become a desert. At last the matter was settled, *more regio*, by a tax, and every one who sailed from Norway to Iceland who had not special leave, had to pay five ounces to the king for his *permission d'embarquer*, so that Harold Fairhair may fairly lay claim to the

honour of being the first to introduce the passport system in Western Europe. Thus things went on for sixty years, when all the habitable land in the island was taken into possession, and Iceland was fully peopled. Chief after chief coming out with his kith and kin, his thralls and his female slaves, his live stock and chattels, and occupying land that he took with his own hand as waste and desert, or settling himself on some great chief's lot or landnám, who allotted him a portion on condition of the acknowledgment of his supremacy.

We now see the sort of freedom which these men sought when they left their old seats for a new home. Not assuredly that impossible equality which theorists have longed for, and which, never being able to find it at home, they have sometimes placed in other lands; dream-lands, alas! like those glorious sunset clouds which look like land across the sea, but are really only gilded mist. Nor was it that regulated freedom even yet known in few modern countries, where all but the vilest class enjoy political rights, and where the law guards the social and domestic rights of all. It was no imaginary equality, no constitutional liberty, that these Norsemen sought; they simply wished to maintain the old state of things; to acknowledge the king as their God-sprung leader, but to do without him if he infringed on the rights of the old freeman, whose notions of right again consisted in being a little king in his own district, bound to follow the king in war, to aid and assist him by certain services in time of peace, but beyond that his own master, and master over his land, his house, his children, his slaves—master, in short, over all around him. It is self-evident, indeed, that such a state of society can only exist in a thinly peopled country, cut up by natural features into a multitude of divisions. It was just the state of society for a barren country like Norway, and, above all, it was just the state of society possible in Iceland, a land so cut up by desert tracts and raging watercourses, where each valley is separated from its nearest neighbours by lonely heaths, by steep fells, and by brown and barren lava. In Norway this state of society slowly but surely fell, after the ninth century, before the growing power of the kings, who early allied themselves to the church, and found in the new faith a powerful auxiliary. In Iceland itself it fell, but not for some hundreds of years, before the internecine feuds to which this principle of individual freedom, owning and balanced by no restraining power, infallibly led. But our present purpose is rather with the rise than the decay of Icelandic freedom, and we willingly avert our eyes from the melancholy scenes of the thirteenth century, and refresh them by the vigour and exuberant feeling of the tenth.

And now one thing remains to be mentioned, which the mass at any rate of these Norsemen brought with them from their old homes. A thing which in all times has been the one thing needful, and without which a nation, whatever may be its principle of liberty, its respect for law, and its social independence, can hardly be said to exist at all. This was the religion of their forefathers. On such a subject we may be permitted to dwell at some length. Those who speak of the barbarous or savage condition of the Teutonic tribes, as they emerge in the uncertain light of the early dawn of history; those who shut their eyes to the freshness, and strength, and truthfulness of our forefathers, qualities which have made them the chosen instruments for working out the great purpose of Providence, will be surprised, if anything can surprise them, to learn that the old creed of these 'savages' not only exhibits a very great development, but that it contains traits of heartiness, pathos, and truth which will hold their own against the mythological conceptions of any other race that the world has seen.

In the songs of the Elder and in the prose of the Younger *Edda*, the cosmogony and mythology of the Teutonic races are exhibited in all their liveliness and freshness. The first or elder of the *Eddas* is entirely composed of songs or lays, handed down from heathen times, which in another state of society, and in other Teutonic tribes, would have been destroyed, as containing execrable superstitions, by the clergy. In Iceland, on the contrary, neither the temper of the people nor of their clergy, was inclined to such blind zeal. In the year 1090, nearly one hundred years after the introduction of the new faith, and when heathendom was virtually extinct, we find the sturdy yeomen and free chiefs delighting in the songs of their ancient gods, and we even find a priest collecting and perpetuating them. The name of this priest was Sæmund Sigfusson. Such was the origin of the elder *Edda*, and such was its author or compiler; such was the Homer of Iceland and such his *Iliad*.

After the lapse of another century and a half, the renowned Snorro Sturluson, sprung from one of the mightiest families in the island, compiled, or caused to be compiled, a prose mythology from the old songs contained in Sæmund's *Edda*, as well as from other lays, some of which have not come down to us. This is called the *Prose or Younger Edda*, a matchless work, in which the old traditions of gods and heroes are given with a truthfulness and simplicity of diction which allows the mythic to have full play, and in which the judgment of the compiler never steps in to stop the flow of his narrative. The

name of both these compilations, but more particularly of the latter, is appropriate—*Edda, proavia,* Great-grandmother; it being quite in accordance with the spirit of that simple time that the oldest woman of the house should gather round her the circle of her great-grandchildren, and tell them the stories that belonged to the gods and heroes of her race. What, then, does the *Edda* tell us of the mythology of our forefathers in her narrative, which is thrown into the shape of question and answer?

Who is first and eldest of all Gods? He is called Allfadir (the Father of All, the Great Father) in our tongue. He lives from all ages, and rules over his realm, and sways all things, great and small. He made heaven and earth, and the lift (that is, the sky), and all that belongs to them; and what is most, he made man, and gave him a soul that shall live and never perish, though the body rot to mould or burn to ashes. All men that are right-minded shall live and be with him in the place called Vingolf; but wicked men fare to Hell, and thence into Niflhel, that is, beneath in the ninth world.

This Allfadir, we shall see, is only another name for Odin. But the spirit of inquiry which runs through all mythologies, the desire to account for the origin of all things, must go further back. So the question is asked, 'Where was Allfadir—where was the Father of All—before Heaven and earth were made?' The answer is, 'He was with the Hrimthursar;' that is, he was with the old giants of frost and snow, the old primæval powers, whom Allfadir, and the Æsir, the new gods, like Zeus in the Greek mythology, displaced and put on one side, that he might arrange the world and rule in their stead for a fated time. The question is then asked, 'What was the Beginning? and how did it arise? what was before it?' To this the answer is a verse out of the Sibyl's prophecy in the *Elder Edda*:—

'Twas the morning of time,
When yet naught was,
Nor sand nor sea were there,
Nor cooling streams;
Earth was not form'd,
Nor heaven above;
A yawning-gap there was,
And grass nowhere.

On either side of this yawning gap or chaos, were two regions,—Niflheim on the north, the home of mist and snow, and cloud and cold; and Muspell on the south, 'where it is so hot and bright that it burns and blazes and may not be trodden by those who are outlandish and have no heritage there.' The king of that land is Surtr, who sits on the border

to guard the land; he has a flaming sword, and at the end of the world, at the so-called 'day of doom' or 'twilight of the gods,' when Odin and the Æsir were to suffer a disastrous eclipse, he is to fare forth and wage war on, and overcome, all the gods, and burn up the world with fire. So is it said in the prophecy of the Norse Sibyl:—

> Surtr fares south fro
> With blazing brand,
> From the sword of the sphere God,
> Shineth a sunbeam;
> Rocks dash together,
> Giants totter,
> Men tread the way to hell,
> And Heaven is rent.

When the hot blasts from Muspell met the cold rime and frost that came out of Niflheim, the frost melted, and as it dropped, by the might of him who sends the heat, it was shaped into the likeness of a man, a huge giant, *Ymir*, who became the sire of all the giant or Etin race. But more wondrous still, besides the giant, the thawing ice-drops took the shape of a cow, on whose milk Ymir fed.

'On what did the cow feed?' is the question. The answer is, 'She licked the stones covered with rime, which were salt; and the first day that she licked the stones there came out of the stones at even a man's hair; the second day a man's head; the third day all the man was there. He was named Buri, and was fair of face and mighty. He was the father of Borr, who was the father of Odin, Vili, and Ve.'

Between these brethren and the giants there was always hostility, and at last they slew Ymir, from whose wounds so much blood flowed that all the race of the Frost Giants was drowned, except one named Bergelmir, who got away in a boat with his household; from him all the later race of Frost Giants sprung. With this slaying of Ymir the reign of the old powers is over, and they are dispossessed by Odin and his brethren,—that is to say, by Allfadir under his triple attribute, who took the body of the giant and threw it into the yawning-gap of chaos, and fashioned the world out of it. 'Seas and waters are his blood, earth his flesh, round which in a great ocean the blood flows, rocks his bones, stones and pebbles his teeth and jaws. His skull they raised up aloft and made the heavens out of it. The clouds are his brains. Sun, and moon, and stars are formed out of the wandering fires which came out of Muspellheim, but which Borr's sons took and shaped, and ordered their goings.'

Thus, then, the new gods and Odin appear as disposers and

arrangers of the old chaotic universe. According to the Norse conception, it may be mentioned, that the earth was round, a great ocean flowing all about it. In the centre of the earth, which was called Midgard, the new gods or Æsir, Odin's children, erected themselves a burg or castle, called As-gard, the Norse Olympus, towering high above the earth, from which they could see all that went on among mortals. On the other shore of the great sea, across which no man might pass, the old Giants of Frost and Snow had their abode, in a region called Utgard, which does not appear to have been subject to the authority of the Æsir, who, though they frequently enter it in quest of adventures, are invariably described as running great risks. Such an adventure was the journey of Thor to visit Utgard's Loki, who, though he dreads Thor's power, treats him in such a way as to make him appear eminently ridiculous.

But in Midgard, on the territory which they had won and fashioned out of chaos, as an abode for men, Odin, with his brothers, was sovereign and supreme. After the earth was shaped, they made the first pair who were to live in it and people it, out of two ashen stocks which they found lying on the shores of the great sea. To these Odin gave soul and life; his next brother, Ve, wit and will; and the third, Vili, form, face, speech, hearing, and eyesight.* In the highest part of As-gard is Odin's seat, whence he can survey the whole world, and see each man's behaviour, and know all that happens. His wife is the venerable goddess Frigga, and their offspring are the kindred called Æsir, the new gods.

The Æsir, in whom men were bound to believe, were twelve, with twelve Asyniar or goddesses. Odin, or Allfadir, was their chief for power and wisdom, and though the others were mighty, yet we are told they all served him as children a father. Next to him in wisdom is Frigga, his wife, who knows the wierds or fate of all men, though she never reveals them.

Next in power to Odin is Thorr the Thunderer, his first-born son, the chiefest of gods for strength and sturdiness, the sworn foe of the old giants, and the tamer and queller of all unholy things; called also Asa-Thorr and Oku-Thorr, the divine Thor, or the car-borne Thor, from his car drawn by two goats.

Three things has he (the *Edda* tells us) of great price. The hammer Miöllnir, the crusher or smasher, which the Giants of the Hill and the Giants of the Frost know when it is raised aloft, and

* These brothers are only other forms of Allfadir's divinity.

that is no wonder, it has split many a skull of their fathers or friends; the second costly thing that he hath is the best of strength-belts, and when he girds it about him his strength waxeth one half; the third thing that he has, in which is great worth, is a pair of steel gloves, which he may not miss for holding his hammer's haft.

The second son of Odin is Baldr, the fairest and purest of all the gods both in mind and body. He is the wisest of the Æsir after Odin, and the fairest and mildest-spoken, none may withstand his dooms. Another of the Æsir was Freyr, the most famous of the stock. He rules over rain and sunshine and the fruitfulness of the earth. On him we are told it is good to call for harvest and peace. He also sways the wealth of men. His sister Freyia is the most famous of the goddesses after Odin's wife; she rideth to battle-fields, and shares half the slain with Odin. She is also the goddess of love, the Norse Venus.

Others of this divine race are Týr, the bravest of all the race, who alone of all the gods, as we shall see, had the daring to lay his hand for a pledge in the wolf's mouth; Bragi, the god of poetry and wit; Heimdall, the warder of Asgard, who sits at the end of the Bridge Rainbow which leads from Asgard to Midgard, from heaven to earth. 'He needeth less sleep than a bird, he seeth night and day alike an hundred miles from him, he heareth, be it grass that groweth on earth, or wool on sheep.' He hath the horn Giöll, the yelling, ringing trump, and when he blows it, at the end of the world, its blast is heard in all the nine worlds.

Hödr is another of the race; he is blind and very strong. 'But the gods wish that his name were never heard,' for the unconscious ruin which he brought on them. Vitharr, the avenger of Odin, Vali, Ullr, and Forseti the Ancient, the god who presides over law-suits and knotty points, make up with Odin, thirteen Æsir; twelve, with Allfadir at their head. These all, with the goddesses, meet every day at their holiest place in Asgard, under the ash Yggdrasill, a wondrous tree. Hear what the *Edda* says of it:—

The ash is of all trees best and biggest, its boughs are spread over the whole world, and stand above heaven, three roots of the tree hold it up, and stand wide apart. One root is with the Æsir; another reaches down to the Hrimthursar, the old Giants of Frost and Storm; and a third is in Niflheim. Under the root that is with the Frost Giants is Mimirs' spring of wisdom, whither Odin himself must repair to ask a draught, which he does not get till he has given his eye in pledge; under the root that is in Asgard the three Nornir, or Fates, abide; the Past, the Present, and the Future, Urdr, Verdandi, and Skuld.

Evidently a mighty tree, the stem and support of the universe, whose branches overtop the highest Heaven, and whose wide-spread roots reach down to the abyss and the abodes of the primæval powers.

But this system of mythology contained a germ of ruin, and throughout the whole there is a warning voice of impending woe, a ground tone of a fate superior to the Æsir, who were inevitably doomed to pass away after the appointed time.

Odin, Thor, Baldr, Tyr, Tregrt, Njordr, Heimdale, Bragi, Forseti, Hödr, Vidarr, Vali, Ullr,—these were the names of the Æsir, of the 'blithe powers;' but to this last a name must be added of a divinity, who, according to the Norse mythology, was raised up to be the curse of Gods and men. The *Edda* says:—

> He also is told with the Æsir, whom some called the backbiter of the gods and spokesman of evil counsel. He that is named Loki, son of Farbauti the Giant, fair of face is he, but ill in temper, and very fickle of mood. He hath above all that craft called sleight, and he cheateth in all things; full oft hath he brought the Æsir into great straits, and oft set them free again by clever counsel.

The son of Farbauti the Giant—one of the old race whom Odin had dispossessed, but who were to be avenged by their kinsman, whom Odin had fostered and brought up with his children, the Æsir. With the entrance of this cunning traitor, who plays the part of the tempter throughout, into the divine camp, and with the giantesses who followed in his train, the golden age of the new dynasty is at an end, and trouble and decay begin. Quarrels spring up even between gods and men. Odin hurls his spear over the earth, and the first war breaks out. Instead of ruling the world in peace, the father of gods and men becomes a god of battles (Valfadir). To this period belong the numberless adventures, exploits, and crafty devices by which the Æsir prevail in strife, and gain the victory over their adversaries. To this period, too, which in actual history marks the time when the milder natural religion of the Teutons took a more warlike and savage character, in obedience to a change in the manners of the race, belongs the worship of Odin, not so much as the giver of all good, not as the benign Allfadir, but as Valfadir, the god of those who died on the field of battle. To this period the conception of Odin's preparing his feast in Valhalla must be ascribed. The notion rather of a king surrounded by his champions than of a supreme God. Before proceeding in our account of Loki and his children, let

us see what life in Valhalla was. In the *Edda* the question is asked:—

Thou sayest that all those men that have fallen in fight since the world began are now come to Odin, in Valhalla; what has he to give them to eat? Methinks there must be a very great throng.

The answer is:—

True it is there is a great throng, but many more will still go thither, and yet they will be thought too few when the wolf comes. But, however great the band of men, the flesh of the boar Særimnir is left over and above to them; he is sodden every day, and whole again at even.

Odin himself eats no flesh: the meat that stands on his board he gives to two wolves. He needs no meat: wine is to him both meat and drink. Ravens twain sit on his shoulders, and bring to his ear all tidings. Mind and Memory are their names; they fly abroad at dawn, and come back to Odin before he breaks his fast.

To the question if water is drunk in Valhalla a very scornful answer is given:—

A wondrous question, as if Odin would ask kings, and earls, and warriors to his feast, and give them only water to drink. I trow there be many in Valhalla who would think they bought their water-drink dear if better drink were not to be had, they who have borne toils and wounds unto death; mead is the warrior's drink.

A wondrous house is Valhalla. The Hall of the Slain, it has five hundred and forty doors, and at each door eight hundred warriors can pass out at once, and their pastime every day is to arm themselves, and go out and fight with each other till it looks towards meal time, then they ride home to Valhalla, and sit down to drink.

But to return to Loki. From such a sire a worse progeny sprang. Three children begat Loki with a witch in Jötunheim the Land of Giants, that dim, undefined region, away from and beyond Asgard and Midgard, the abode of gods and men. The first was Fenris-wolf, fated to be Odin's bane at the day of doom; the second was Jormungandr, the monster of the universe, also called Midgardsworm, the huge snake that lay in the great sea, coiled round the earth. The third was a daughter, Hel.

Now, when the gods heard that this kindred was being bred up in Jötunheim, and found out by soothsaying or spaedom that much mishap would arise from them, knowing, too, that from such a stock all evil was to be expected on both father and mother's side, Allfadir bade the children be brought to him, and the worm or snake he cast into the deep sea that lay round all lands, where it grew so that it coiled itself round all the earth, and bit its tail with

its teeth. Hel, the daughter, he cast into Niflheim, and gave her power over nine worlds to share them among the men that were sent to her. Those were all who died of sickness or age. She hath great domains (says the *Edda*), and her yard-walls are very high. Hunger is her dish, starvation her knife, care is her bed, a beetling cliff is the threshold of her hall, which is hung with grief. She is half blue and half the hue of flesh, easy to know, and her face is stern and grim.

Such is the origin of our word Hell, the name of a goddess applied to a locality.

It might be thought that to be with such a goddess after death was bad enough, but there was a worse place; and it must be observed that no crime deprived men of the joys of Valhalla and sent them to Hel's domain but merely death by sickness and age. For the wicked another place of torture was prepared—'On Ná-strand,'—that is, on the strand of the dead, we are told, 'there is a great hall and a bad; its doors look northward. It is altogether wrought of adder's backs wattled together, and the heads of the adders all turn inwards, and spit venom, so that rivers of venom run along the hall, and in those rivers murderers must wade for ever, and all who forswear themselves.'

It is also to be observed that the Norse notion of a place of torture is a place of cold; the doors of this hall on Ná-strand look northwards, and Hell's domain is cold and dark. Our notion of the flames of Hell has come from the East, where the idea of cold is delightful, just as to a northern imagination fire was connected with all that was bright and cheering. Dante has imported both notions into his *Inferno*.

But to return to the third of this monstrous progeny:—

The wolf the gods brought up at home, and Týr alone had the daring to feed him. He grew and grew, and at last, as all spells and prophecy said that he was raised up for their ruin, the Æsir determined to fetter him. Twice they tried to bind him with iron chains, but all to no effect. At last, by the help of certain dwarves, they got a fetter made out of six things—footfall of cat, beard of women, root of stone, sinew of bear, breath of fish, and spittle of bird. The sinew of bear was to give the chain strength, and the other ingredients were to make it pliant and supple, for we are told that the fetter was smooth and soft to look on as a silken string. So the Æsir called the wolf, and handed the fetter from one to another, and tried its strength, saying, 'Surely the wolf must be able to snap it.' Then the wolf said, 'As for this thread, it seems to me I shall get no fame though I break in twain so limber a band; but if it be made with craft and guile, little though it look, that silken string shall never come across my back.' So the gods coaxed him, and at last he said, 'Loath am I to let this band be laid on me, but rather than ye should doubt my bravery, let some one

of you lay his hand in my mouth for a pledge that this is done without guile.'

Then each god looked at the other, and thought there was a choice of two evils; nor would any of them throw away his hand till Týr stretched out his right hand, and laid it in the wolf's mouth. So the fetter was fitted on, but the more the wolf spurned and strained against it the tighter it got. All the Æsir laughed at his struggles except Týr. He lost his hand.

When the gods saw the wolf was fast bound they chained him to a great rock, and gagged him with a sword, the hilt in his nether and the point in his upper jaw, and so he lay howling and foaming till the 'twilight of the gods.'

Under such disquiet and strife, and such forewarning of impending fate, the Æsir now spent their time; but they still had Baldr, the god of purity and innocence amongst them, and so long as they had him they were safe. So long as he remained in Asgard sin and wickedness could not prevail on earth, nor could the ancient giant race triumph over the Æsir. But now Baldr began to be haunted with ill-omened dreams, which threw all Asgard into terror. All soothsaying and explanation ended in this, that Baldr was doomed to die; that he was *feigr*, what the Scots still call 'fey.'

Odin, in his alarm that luck was about to pass from the Æsir, saddles his horse 'Sleipnir the quick stepper, and rides off down to Niflheim, to consult a mighty prophetess, who lay buried there at Hell's portal. By runes and mighty incantations, he raises her from her sleep in the grave. Reluctantly she rises, and asks 'who dares to give her this pain, and wake the slumber of the tomb? Too long dead have I been,' she cries. 'The snow hath covered me, the rain hath smitten me, and the dew hath soaked me.' 'Vegtam, the weary wanderer, am I. Now tell me for whom hath Hell made ready her house.' ''Tis for Baldr. His funeral ale is brewed already, and the Gods are in despair.'

He asks her other questions, and reveals himself at last by one which she cannot answer. 'Ah!' she cries. 'Now I know you. Not Vegtam, but Odin the almighty. Ride home, ride home; but me no mortal more shall trouble, for the downfall of the gods is at hand.'

So there was no hope for Baldr; all spells and soothsaying above or under the earth declared that he must die. At last the Æsir hit on a scheme. It was to pray peace for Baldr from all kinds of arm, and Frigga took an oath that they would spare Baldr of fire and water, of iron, and all kinds of ore, of stones, trees, sicknesses, beasts, birds and serpents.

When this oath had been taken they thought Baldr safe; and it grew to be a pastime among the gods that he should stand up among them, while all the rest shot at him and hewed at him, or smote him with stones. But he remained unharmed. 'Now when Loki saw that,' says the *Edda*, 'it liked him ill, that Baldr was not scathed, so he took on him a woman's likeness and went to Frigga. And as they talked together, Frigga asked her visitor if she knew what the gods did at their meetings? The woman said she heard they all shot at Baldr, and that he was unscathed.' 'Yes,' says Frigga. 'No weapon nor tree may hurt Baldr; I have taken an oath of them all.'

'What! have all things sworn to spare Baldr?' asks the woman. 'Well!' replied the goddess, 'eastward of Valhalla grows a tree-twig, called mistletoe; that methought too young to crave an oath of.'

This was enough for the traitor, who took the mistletoe, and went to the meeting of the gods. There stood the Hödr, the blind god, in the ring and did nothing.

'Why shootest thou not at Baldr?' asked the tempter.

'Because I am blind, and see not where Baldr is; besides, I am weaponless.'

Then said Loki.

'Do thou as other men, and show Baldr worship like the rest. I will show thee where he stands. Shoot at him with this wand.'

So Hödr took the mistletoe and shot at Baldr, Loki guiding his hand, and the shaft flew right through Baldr, and he fell dead to earth. Thus was brought about the greatest mishap that ever befell gods or men. When they saw what had happened, each of the Æsir looked at his fellow and tried to speak; but speech failed them, and wailing and weeping arose instead of words; even from Odin himself, for he best knew what a loss the divine race had suffered.

But when they came to themselves a little, Frigga asked, 'who there was who would win all her love and good will, for he shall have it all,' she said, 'if he will ride down to hell and try to find Baldr, and offer Hel a ransom if she will let Baldr fare home to Asgard.'

Then Hermodr the Brisk, Odin's page, stepped forward, and was ready to go; so they saddled Sleipnir, Odin's horse, and Hermodr jumped on his back and galloped off. The gods then took up Baldr's body, and laid it in his ship Ringhorn, and shoved the ship down to the shore to burn him and it there; and when Nanna, Baldr's wife, saw that, her heart was broken for grief and she died, and her body too was

borne and laid on the pile. His horse, too, and all his war-gear was led to the pile, and Odin laid on the pile his precious ring Draupnir. Then Thor hallowed the pile with his hammer, and the flames blazed up, and the body of the mild god was burned amid the wailing of the world. As for Hermodr, he rode nine nights through dales dark and deep, so that he saw naught; and then he came to the bridge over the river of hell, and the maid that kept the bridge asked him his name. 'Five bands of dead men have just passed my bridge, but it rings under thee alone; nor hast thou the hue of the dead. Why ridest thou here on hell's way?'

He answers, 'I ride to hell to look for Baldr; hast thou seen ought of him?'

'He has passed the bridge, and is gone to Hel's abode. Downward and northward is her dwelling.' So Hermodr rode on till he came to Hel's grate, which he found, fast locked and barred. So he got off and tightened his girth, and sprung up and touched Sleipnir with the spur, and the good steed leaped clean over the gate. On he rode to the hall of Hel and went in, and saw Baldr his brother sitting in the place of honour. Next morning he told his errand, and begged Hel to take a ransom for Baldr, and let him return to Asgard.

Then said Hel.

'Now it shall be tried if Baldr is so dear as is said. If all things on earth, quick as well as dead, weep for him he shall return; but stay with me if any speak against him and refuse to weep.' With this answer Hermodr rose to go back. Baldr led him out of the hall, and sent back Draupnir to Odin as a keepsake, and Nanna sent a shift to Frigga and a ring to Fulla, one of the goddesses. So when the Æsir heard Hel's answer, they sent over the whole world to pray that Baldr might be wept out of hell, and all things wept for him, and it seemed that the mild god would return; but as the messengers were faring home in joy, they came upon a cave, in which an old hag sate, named Thauck. When they asked her to weep and bring Baldr back, she screamed out—

Thauck will bewail
With dry tears
Baldr's balefire:
Nor quick nor dead gain
By man's son,
Let Hel hold her own.

And men guess that this hag was Loki, who has wrought most ill to the Æsir, who sat there in the hag's likeness, and would not weep for Baldr.

This last act of treachery broke the patience of the gods, who had often threatened to take summary vengeance on Loki for his misdeeds, and as often forgiven him for the help he had given them by his cleverness. He did not wait their wrath, but ran away and hid himself, in a salmon's shape, under a force or waterfall, and for a while evaded their pursuit; at last Thor caught him, and the Æsir had him in their power. Then they set three rocks up edgeways, and bound the traitor upon them with the entrails of his own children. Adders were hung over his head, and the venom from the adders dropped down on his face; and, says the *Edda*, 'he is so racked with pain that the whole earth shakes with what men call earthquake. So he lieth bound till the twilight of the gods.' And now this twilight of the gods, the day of doom of the new dynasty was drawing on. Its advent was to be heralded by awful tokens. First of all was to be the winter of all winters (Fimbul-vetr), when snow drifts from all sides, and the winds blow keen, nor is there any joy of the sun. Then three winters are to come together, with no summers between; then there are to be great strifes, brothers will slay brothers for gain's sake, and fathers their children.

Brothers shall fight together,
And be one the other's bane;
Sisters' children
Their kin shall kill.
Hard is't with the time,
Whoredoms many.
An axe-age, a sword-age,
Shields are cloven;
A wind-age, a wolf-age,
Ere the world stoops to doom.

Then sun and moon are swallowed by the wolves that have ever hunted them since sun and moon were first set; the stars are hurled from heaven, the earth quakes, the rocks are rent, and all bonds and fetters are loosed. Then Fenris wolf breaks loose and bursts the fetter; the sea boils over the land, and Midgard's-worm stirs himself in giant mood. On the wolf rushes with gaping maw, his upper jaw touches heaven, and his lower sweeps the earth; by his side rolls himself the Midgard's-worm breathing venom and defiling earth and air. Now, too, while this hurly takes place on earth, the firmament is cleft, and Muspell's sons ride forth to the fight. Surtr, their king, rides before them with his flaming sword; down the rainbow they ride and repair to the field of slaughter, a hundred miles wide every way, whither all the foes of the Æsir are flocking. There Loki and the giants of frost and

snow, and all Hel's kith and kin, meet in battle-array against the Æsir; but Surtr's bright band are arrayed by themselves, and do not mix with those infernal powers. While these things happen, Heimdall, the divine warder, blows his horn amain, and wakens all the Æsir, who meet in council. The holy ash shakes and totters, and fear comes over all. Quickly the Æsir arm themselves and speed to the field. Odin rides first with golden helm and corslet, and quivering spear in hand. Against him comes on the Wolf. Next to Odin stands Thor, but he may not help Odin for the fell Midgard's worm gives him more than enough to do.

Freyr fights with Surtr and falls after a hard struggle. At last Thor slays the Midgard's worm, but only steps from him nine feet when he falls dead from the venom which the monster had blown over him. Then, too, the wolf swallows Odin at one gulp, but scarce has he done so when Vithar the silent god, with his heavy shoe steps with one foot on the nether jaw of the wolf, with one hand he seizes the upper jaw and rends his maw asunder, and slays the monster. Loki and Heimdall fall in mortal fight, and Týr and the Hell-hound Garmr are each others bane. With these, all the divine race is extinguished, except Vithar and Vali, and all the giant race save Hel. Surtr and his warriors hurl fire over the world, and the universe melts away in fervent heat.

Such was to be the end of the dynasty of Odin, but that was not to be the end of all things. There was to be another heaven and another earth. In the new heaven, in the Hall Gimli, with Surtr the bright king, the good were to dwell, while Hel the goddess was to have the wicked, and plague them in Ná-Strand. The new earth was to rise from the sea green and swelling, and its fields were to yield their crops unsown. Thither were to come Vithar and Vali, and Baldr was at last to return from hell. There they were to dwell in peace, to sit together and talk of the old time, and of the deeds of Odin and Thor against the wolf and the Midgard's worm. This new earth or Midgard was to be peopled by the descendants of a pair of men who had escaped Surtr's conflagration in a wood called Hodmimir's-holt.

Such is a rapid sketch of the Norse mythology as it presented itself to our forefathers in its origin and its flower, in its decay and final extinction. Of course so long as Heathendom lasted, though the happy peaceful period of Allfadir's reign was long past, though war and strifes abounded, though Baldr, the mild god, was smitten, and had gone down to Hel's dark abode, and the Æsir were hastening to destruction, still the twilight

of the gods, and the extinction of the divine race was regarded merely as an impending inevitable fate, not as having already happened. In the elder *Edda* accordingly, we find the destruction of Odin and his race recorded in a prophetic poem of unexampled beauty and spirit. After Heathendom fell on the contrary, it was of course easy to imagine that the twilight of the gods had come and gone, to find in Surtr the lord of all ruling over the blessed in Gimli, in Baldr and the new earth, and its inhabitants, a type of that true religion, before which the old faith was doomed to melt away.

In all except revealed religions, mankind has made its own gods, and the Norsemen were no exception to the rule. First we have a rude worship of the Powers of Nature. This occurs in the infancy of the race, when it makes its first attempt to reason on the place which it fills in the world, and the relation in which it stands to something above it. That something it feels to be superior to itself, to be God in short; but before this something it is more inclined to bow down in terror, than to look up with love. This is the period when God is worshipped in the manifestations of nature, and accordingly the mythology of each race in this period bears the impress of the nature, of the temperature and climate of that portion of the earth's surface on which it dwells. Among the Teutons, and especially among the Norsemen, the giants of frost and snow, the misty, cloudy, darksome powers, play at first an exclusive, and always an important part. Surtr, on the contrary, who rules over the children of Muspell, the personification of Fire, though his power is recognised from the very first, and though he is ultimately to prevail and to wrap the universe in conflagration prior to ruling over a new and purified world, still keeps ever in the background. He has no part or lot with the infernal powers; and even when he does appear on the fated field at the twilight of the gods, he holds himself aloof from them, does not put forth his full force, but merely tries his hand in the combat by overcoming Freyr, and then steps in as a third man to claim his rights, when the Æsir and their antagonists have exhausted and extinguished themselves in internecine strife.

One cannot help looking upon Surtr as a remnant and dim recollection of the Eastern origin of our race. In the East, where fire enters so largely into all mythologies, the rise of the myth of Surtr is to be found. First, perhaps, he was adored as the divine fire of the sun, but as the Northern Aryans, following that irresistible impulse which drove them towards Europe, gradually advanced towards our more inhospitable regions, where storm and cloud, and frost and snow, play so much more prominent a part, where, as the Hindoo says,

there is neither sun nor moon in heaven, but mere base imitations of those glorious orbs, incapable either of warming man's body or of cheering his mind, then the worship of Surtr, the worship of warmth and heat, gave way to the colder powers, and Surtr and Muspell's children, the warm divinity and his bright children, were banished beneath the earth into a region of subterranean flame, never to resume his sway till the day of doom.

But to return from the East to the North. The earliest form of the worship of the divinity as manifested in the wild and overbearing powers of nature, of worshipping him as the wind in the shape of a huge winged giant, who sits at the world's end and flaps his mighty pinions; or as frost and cold in the form of enormous giants, with a progeny bristling with icicles; or as the sea Ægir, another of the giant race, ever on the watch to rush on and drag down the unwary fisherman who might venture on his domain, lasts for a longer or shorter period in various races, but it lasts only so long as man feels himself prostrate before those natural forces and unable to cope with them. When he begins to try his strength with, nay, to master them and bend them to his will, the reign of the chaotic natural powers is over, and his old divinities no longer satisfy, though they may still sometimes terrify their former worshipper. He has to seek new divinities, and he seeks them where, apart from revelation, he ever then must seek them—in himself. Thus arises what may be called the second stage or platform of natural religion, when man, beginning to be conscious of his own strength, feels that he is not entirely the slave and sport of the elements; having learned to subject them in some sort to his will; having, by better clothing, better habitations, learned to defy frost and snow; having ventured in boats on the wild and fickle sea, the abode of the treacherous Ægir, and returned safe; nay, having tamed the wind and made it waft his boat along with sails, he feels something within him higher than those rude natural powers, which, though often uncontrollable, he has learnt at least sometimes to control. Does he become atheistical, believing in no gods because he has put the old ones under his feet? Practical Atheism is reserved as the misery of a civilized age which has made still further progress in analysing the elements and subduing the natural powers. In early times, the natural man must have something divine above him in which to believe and to trust. As he rises in the scale of civilization his gods rise with him. To the powers of Nature then succeeds the Lord of Nature, the Tamer of those powers, the Great Father, the Disposer and Arranger of the Universe. Victorious, for a

while at least, over these hostile powers, though bearing about within himself the seeds of decay, in Odin we see man, with all his passions, endowed with supreme power and omniscience. Thus, man, in the mist which surrounds him, sees his own shadow reflected in huge proportions, like the spectre on the Brocken, and fancies it to be God, and adores it, when in reality it is only his own image which he has transferred from earth to heaven. It is characteristic of this Monotheism, as distinguished from the worship of the true God, that it is short-lived, and is rapidly succeeded by Polytheistic systems, in which the Great Father, while he still remains the Supreme God, is resolved into his attributes and is reproduced in a host of separate divinities, to each of which one of these attributes is assigned. Thus, Odin begets twelve inferior divinities, to each of whom he parts with a portion of the divine idea. In this way Thor is produced as personifying the Thunderer, the strength of the Supreme God exerted against the powers of nature. The hasty, impetuous heat of a summer thunder-cloud, crushing the giants of frost and snow and scattering the clouds and mist. A beneficent, but wayward, deity, to whom Odin has confided the hammer to split the skulls of the foes of the Æsir. Baldr, the pure white God, the peaceful divinity, whom all love, and for whom all, except the traitor, are willing to weep. To him the attributes and functions of Odin, as the restorer of peace, as the maker-up of quarrels—in short, all the kindly tender influences of man's nature have been assigned. To Freyr, the god of prosperity and fruitfulness, that portion of the divinity was allotted under which men worshipped the Great Father as the Lord of seed-time and harvest in their unfailing course. In Heimdall, the wisest of the Æsir, who sees and hears everything down to the grass that grows, who is as wakeful as a bird, we have the omniscience of God, the ever-wakeful eye of Providence personified. Týr, the god of war, answers to Mars far more than Thor, who, as we have seen, represents rather a natural element than martial prowess. In Týr we see the personification of Odin's daring and boldness as a god of battles. He is eminently the soldier's god. He sees what is to be done and does it; without thinking of the inevitable loss of his hand, he lays it in the wolf's mouth, because unless some one sacrifices his hand, the gods will not get their enemy bound. It is his duty, and he does it without a murmur.

It is needless to go on with the list, and to show at greater length how all these minor deities are evolved from Odin, and resolve themselves into him. What rather concerns us at present is the fact, that with Monotheism, Natural religion

attained its highest point of perfection, and with Polytheism it fell rapidly into decay. The notion of Odin, as Allfadir, or the Great Father of gods and men ruling over Heaven and earth in a simple patriarchal manner, is suited to the simple peaceful habits of tribes emerging from barbarism after the first struggles of man with the powers of Nature were over, and he was beginning to live at ease on the earth. But as family relations multiply, and as one tribe presses on another, when the wants of man increase and his means decrease, the golden age of peace and plenty is past, the happy patriarchal time vanishes, strife and troubles arise, wars break out, and the Great Father, the natural God, who is only the reflected image of the natural man himself, degenerates into a god of battles, whose great attribute is not the gift of peace and plenty, but of luck and victory in combat; and with whom, after all their conflicts are over, the brave who fall in fight, and only those who fall in fight, shall feast in Valhalla. Now it is evident that such a creed can only be temporary, and that it can only suit a race with whom the dust of battle was as the breath of their nostrils. Nay, according to the interpretation of this religion which is now insisted on, it could only arise among, could only be formed in the minds of tribes who went out conquering and to conquer, and who were in a state of war with all the world.

And now what was the domestic life of these Icelanders, for that we must now call them, since they have taken leave of Norway and her grasping kings. In many cases at least as we have seen, chance, mistaken for Providence, guided the heathen settler in the choice of a fit spot for his abode. In others, and in the majority, we may suppose convenience and common sense suggested a suitable position, and so in every dale in Iceland; and Iceland is pre-eminently the land of dales, on high hill or fair slope, or nearer the coast on bold headland or river's mouth, nestled under a fell inland, or open to the fresh breeze on the sea shore, rose a multitude of separate homesteads, each owning one man as its master. In treating of the early history of any Teutonic race it must never be forgotten, that these were tribes, which, with the Black Douglas, 'loved better to hear the lark sing than the mouse squeak;' that their political unity was the house not the city, and that they took very late to what are now called towns. In Eastern life, in India, in China, a city always has been, and still is, a refuge for the many against the oppression of a few, where the vile units divested of all rights compared with a despot and the ministers of his tyranny, may seek shelter by herding together in common insig-

nificance. The hoary antiquity of the East can scarcely point in its earliest records to a time when there were not great cities; but in Northern Europe it was not so, and men were slow to abandon their individual freedom, even for the sake of combining against the growing power of an aristocracy, or of defying the despotism of a king. Even in Western Europe, it is not until the middle of the fourteenth century that we find the towns, which had slowly risen, sometimes fostered by the church, which then played a great part in civilization, sometimes protected by kings, who found their nobles too strong for them, proudly proclaiming the maxim, 'the air makes free,' in opposition to the pretention of the feudal lords, who had long asserted that 'the air makes servile;' by which we are to understand that these towns were now the asylum of the slave, who, though tied to the soil by the mere fact of birth upon his lord's land, might fly to these cities of refuge, and living there a year and a day might acquire rights of citizenship, shake off his fetters and become a free man. But in Iceland, in the tenth century, there were no towns in this mediæval sense, nor perhaps in modern Iceland is there any aggregate of wood or stone which can, except by courtesy, be called a town. Such herding together has always been repugnant to the free disposition of the people; and when Iceland was a republic, you might as well have expected one hundred bulls to have been shut up together in a pound without using their horns, as to have seen the same number of heads of families living peaceably together, house touching house.

In another sense there were towns; there were túnir, pronounced as the Scots pronounce their *toun*, and by which they sometimes mean the same thing. Etymologically speaking, a town is an enclosed space—a field with a wall or fence round it. In such a town every Icelandic house stood; it was merely the field which surrounded the homestead, and which was immediately under the master's eye. As for the building itself, it was invariably of wood, with several gables—often as many as seven. Sometimes the farm-buildings (the byre, as they call it across the border) touched the main building, sometimes it was a separate erection, but it was always near. The Icelandic word for this was *fjös*. The house itself seems rather to have grown together out of a number of houses than to be one house. The following were some at least of the main features of such a building. First, there was a porch (utihúrd), an entrance in which there were double doors. This was in the centre, under the main gable, and led into a passage. On the left, as you went in, there was a bath-room,

in which the inmates often took warm baths; their cold baths were the river or the sea. Out of the bath-house on the left was a door which led into the kitchen (eldhús), which sometimes had an entrance of its own from the town; out of the kitchen, still on the left, was the store-room (skemma). The whole house appears to have been what we call single, and each of these apartments ran its entire depth. Thus, then, on the left of the passage were what may be termed the offices. On the right of the passage was a door which led into a room which answered to the hall in an old English house; it was called the skáli, and was the state room of the family. Here was the master's high seat, supported on either side by those pillars or columns of which we have heard so much. The seat itself was called *öndvegi*, and the pillars *öndvegissúlur*. As a visitor entered by the side door out of the passage and turned right about, this high seat faced him. Down the whole length of the hall ran a double row of tables and benches, at which the guests sat in order of honour, reckoned from their nearness to the master, and many an Icelandic brawl and feud arose out of quarrels for precedence on these festive occasions. Down the whole length of the hall, too, on such feasts, when the weather required it, were fires (lángeldar). Over the high seat, but sometimes, it would seem, at the other end of the hall, was a raised gallery or stage (palli or thverpalli), the special place for the women, who sat on it in solemn state at bridal feasts, occasions when all the hospitality and formality of the establishment were brought into full play. Sometimes there seemed to have been a second high seat, lower, and of smaller dimensions, opposite to that on which the master sat. In great establishments the skáli was hung with tapestry or woven hangings, the gift of kings or the spoil of piracy. Off the hall, on the right, was the sleeping chamber (svefnhús), a spacious apartment in which let no delicate eyes be shocked to read that the whole family slept; for even modern refinement has heard of whole families huddled together in English farm-houses without the excuse of want, and has shuddered at the vice which springs from such a state of things. In one respect, at least, this early heathen society was better than our own—though there was much of what we call *crime*, there was little *vice*. Their habits were simpler, and their morals more pure, and so in mere unconsciousness of harm or wrong, they did many things which would shock that outward sense of propriety which now-a-days distinguishes so many of either sex who at heart are veterans in vice. Yes, the Icelandic family slept all together in one room, but even that simple fashion of life had devised a shield for female purity. In this room were many

cribs (lockreckiur), or closed sleeping-places, something like the berths of a ship, only, it may be hoped, more comfortable. In such beds married couples always seem to have slept; they were, no doubt, originally intended as a defence against sudden violence in case any foe should force his way into the house, and no case immediately occurs of any young Icelandic lady who was so 'cribbed, cabined, and confined,' yet in any case *there* was the locked sleeping-place at hand, to which she might be consigned in an instant, and made safe for the night, in case any gay Lothario among her father's guests might be tempted to abuse the sacred hospitality of the house. But in truth such conduct was little to be feared. With all their wild bursts of fury, the hearts of these Icelanders had some good principles, and one of these was that respect for women, and that self-respect, which, though it might slay a foeman in fair fight, and sometimes even take him at a disadvantage, would have shrunk from seduction and the brutal lust of Tarquin with all the abhorrence which these crimes awakened in the breast of Brutus.

Next to the sleeping-chamber, with its cribs, was sometimes added a smithy, or workshop, where the handy master repaired his arms and his tools, forged spears and arrow heads, fitted them to their shafts, and did a hundred things which are now handed over to the carpenter, the blacksmith, or the armourer, but which were then not thought below the dignity of the freeman. Thus, with its seven gables, over storehouse, kitchen, bath-room, passage, hall, bedroom, and workshop, the Icelandic house stands before us. The roof was supported by rafters laid on great beams; sometimes the roof was what is called in the colonies 'shingled,' that is to say, if we may use the expression, it was covered with wooden tiles, but more often it was overlaid with sods of turf, which, when they grew well together, were covered with long grass, so that animals were tempted to crop the herbage when the house stood, as it often did, close under a steep hill.

In all peoples and in all ages the oldest element of society has been the patriarchal right of the father to look upon his family as his property. This right exists before all law, we may seek it in vain in codes which belong to a later stage of human development, but it has left traces of itself in all codes, and abrogated in theory, still often exists in practice. The Roman *emancipatio*, for instance, was a feigned contract with a third person, by which the father ceded his right over his child, and points to an earlier state of society, when a child was considered as a thing to be sold at the option of his sire. The case was much the same among the Norsemen, except that in

the Teutonic tribes the son, as soon as he was of age to bear arms, was considered to have stepped out of his father's authority if he chose to leave the house; but so long as he stayed in it he was in his father's power. So, also, with the daughters, their marriage in the earliest times was a simple sale to the highest bidder, and though, in historic times, human nature has always rebelled against this traffic, and allowed feeling to have a voice in the matter, and women to choose for themselves, yet even in our times how often is a match merely a disguised sale. So also with the wife, she came originally into the house against her will, stolen or bought by her husband from her father or nearest male relations, and though, when a sale occurred, the compact was softened in later times by the dower and portion being settled on the wife, we shall do well to remember that originally dower was only the price paid by the suitor to the father for his good will, while portion was the sum paid by the father to persuade a suitor to take a daughter off his hands.

It seldom happens, but it sometimes happens, that one act of injustice extirpates another, and so in the case of the wife and children in the patriarchal state we find their condition is improved by wrong committed on other members of society. This was when the slave entered into the household, and at once established a distinction between its old members and himself. But the slave first came into the house by the right of the stronger, by war, in short, public or private, and as soon as he came, the wife and children rose in the social scale.

Out of the household considered as the social element and unit, rose clanship as a necessary consequence. As marriage succeeded marriage, a long line of kinship and cousinship followed, looking up to one member of this extended family as its head. Insults and injuries to kith and kin are revenged by private war or feud between these great houses and their connexions in each district, or they are arranged and atoned between the heads of these houses according to a more or less arbitrary tariff, which is at once the first germ of criminal law, and at the same time the first rude attempt at a law of nations. But at these solemn meetings to adjust private feuds without dishonour, the heads of families always appear as a more or less privileged class, and it required centuries before wife, son, daughter, and slave were completely emancipated from the power of the head of the family.

In Iceland, in the tenth century, society had long passed out of the earliest patriarchal state. Slaves and freedmen are in every household, and blood relations have risen to their proper place.

In this stage of society clanship flourished in great vigour. Here, too, blood was reckoned stronger than water, and all the records of the people are filled with deeds of blood arising out of family quarrels and their consequent retribution. At the same time, nothing could be more short-sighted than to imagine that this curious society was without law. Lawless, indeed, it was in one sense, but in another sense it was *lawful*, for in love of litigation and appeals to law no nation on earth has ever surpassed it. As chief after chief settled in Iceland, the greatest of them established in each district courts over which they presided, both as priest and lawgiver, and in which all causes or disputes which arose in that district were finally disposed of according to those principles of law to which they had been accustomed in Norway. But by the time that Iceland was completely colonized these district courts were found insufficient and inconvenient, and Ulfljot a Norseman introduced a code the basis of which was the famous Gulathings code in Norway, and persuaded the chiefs to establish one common court or assembly for the whole island on the so-called plain of the Allthing, in Arnness district in the south of Iceland, a volcanic tract through which the river Oxará runs, and in which the judges met on the so-called 'Hill of Laws.' In the earliest times this solemn assembly was held at the end of the ninth week; later, in the tenth; and finally, in the eleventh summer week.* It usually lasted fourteen days, and while it lasted those who came to it from all parts of Iceland, housed themselves in permanent booths, which the men of each district erected for themselves in particular places on the plain. The business transacted on these occasions was either public or private; by public is meant all that related to the general jurisprudence and government of the community at large. This branch of the business came before what was called 'the Court of Law' (Lögretta), the members of which consisted of the lawman (Lögsögumaðr, the utterer or mouthpiece of the law), assisted by twelve judges of district courts, who in heathen times were priests as well as judges, and officiated in the temples. To both which dignities another, that of chieftainship in that particular district was combined. In fact, we see in these priests, judges, and chiefs the most

* The Icelandic year was divided into two parts, winter and summer. Spring and autumn (*haust* and *vár*) are often mentioned, but not as recognised divisions of the year for the purposes of reckoning. The first summer day, according to Grágás, the code of laws which had force in later times, was a Thursday; it might fall between the 9th and 15th of April. From that, four days and three months of thirty days were reckoned till midsummer, and from midsummer three months again of thirty days were reckoned to the first winter day.

powerful men in each district. These twelve judges were assisted by assessors, whom they chose, two each, and who sat one before and the other behind each judge. Their duties were to pronounce what the law was, they also voted all public grants. Questions of the return of outlaws came before them. In a word, everything that affected the community in its public capacity fell naturally under their jurisdiction.

The lawman's office was established about the same time as the Allthing. He was chosen by the Court of Laws, and held his office at first for an indefinite time, but afterwards for three years, though he was eligible for re-election. He was bound in these three summers to read the whole law out at the Allthing in the presence of the judges and their assessors. He was bound both there and at home to declare the law to any one that applied to him for assistance. He appointed the judges in private suits, and opened the assembly by proclaiming peace and security to all who were present. He had a salary, and could not be an alien. Heavy fine and punishment awaited all who hindered him or the judges whom he appointed in the discharge of their duties.*

So then we see that in this so-called republic, the government was really in the hands of a small aristocracy, composed of the mightiest men of each district; for it was only such mighty men who could be priests or judges, and the choice of their assessors lay with them, as well as that of the lawman. One is therefore tempted to ask, what has become of that free Teuton of whom one has heard so much, who, whether high or low, in whatever condition, had a right to be heard. There was, indeed, a provision inserted in the later law, and mentioned in one of the *Sagas*,† by which any one, who was not a member of the Court of Laws, and found himself injured by any of its proceedings might stand forward, and by his simple prohibition render all their decrees illegal; but as Mr. Petersen rightly observes, this right, like the veto in the old Polish Diet, was probably very sparingly exerted, since the mere use of it was sure to bring down on the head of the offender all the wrath of the mightiest families in the island. A right which is so perilous as never to be exercised, is not worth very much.

The constitution of the courts for private suits were simple enough; nor was the Icelandic code of laws very complicated,

* In this part of my subject I have been much indebted to H. M. Petersen's *Histor. Fortæll. om Islændernes Færd.* vol. iii. I have also been much indebted throughout this Essay to Dr. Karl Weinhold's *Altnordisches Leben.* Berlin, 1856.

† *Njáls S.* ch. xcvii.

though it was often very peculiar in its provisions; but it was in the application of the law, and in the forms which accompanied it that the great source of Icelandic litigation is to be found. The principle which seems to underlie the whole code is to allow individual freedom full play, and to commit the executive to the keeping of the community. Thus all private suits—the public business of the community seems to have given little trouble—were commenced in the locality where the crime—and in that state of society crimes prevail—was committed. The proceedings from beginning to end were oral. First, the man who had done the deed was summoned in the presence of witnesses, and in case of death witness was taken that such and such an onslaught had been made by A on B, that B had received a mortal wound, and that death had ensued. The homicide, on his part, if he could, called witness that the death-blow was lawfully given, and took all the steps in his power to justify the deed. After this precognition, both parties made their appearance at the Allthing; and the trial, properly speaking, began; and now ensued a series of challenges against every witness on either side, against every judge in the cause named by the Lawman; in short, every step in the cause was a perpetual struggle to detect some flaw in the forms under which the case had been conducted, and if a flaw was detected in either the plaintiff's or defendant's case, he lost his cause, and had to abide the consequences. It is therefore plain, that however simple in theory Icelandic law might have been, its application was anything but an easy matter; that few in those early times had memory or leisure to carry in their heads all the formalities of an action, and all the chances and possibilities of defence on purely technical grounds. It was not the business of the Lawman to give any information on such points. He declared the law, but would seldom offer an opinion on its application to this or that particular case. This knowledge, in each generation, was only to be found with two or three men, who had been pupils of the great jurists of former generations; who had watched the working of the law and its application from their youth up; who knew what was customary, and what was technical, and who were therefore capable of conducting a suit to its conclusion without a mistake in form; for one mistake, if it could not be rectified, was fatal to the best cause. Into the hands of these men, who might or might not be honest, the conduct of all suits of more than ordinary difficulty or importance was formally made over by the contending parties, and to them the whole community was given over and tied, as it were, hand and foot. The *Sagas*, the *Njals Saga* especially, are full of the legal cunning

practised by such men when pitted against each other as acting for the plaintiff or defendant in a suit. It is hard to reconcile this complete surrender of himself by the freeman to the trammels of the law and its interpreters, but it can be reconciled if we consider that these toils were only laid upon him by degrees, and that in the earliest times at least the natural man had always an outlet of escape. This leads us at once to the most curious feature of this Icelandic society,—its respect and veneration for legal forms up to a certain point, and its complete disregard for them as soon as that point was passed. The Icelander in the tenth century, though for certain purposes it suited him to respect the law, never abandoned that natural right which could at any moment appeal to the god of battles to decide all questions in dispute. He had the firm conviction that Valfadir would protect his own, and he had no hesitation in offering to decide his quarrel by the sword. In all suits and in all actions this natural right only lay dormant, and we find numberless instances in the Sagas of suits legally and formally conducted, but in which, when the chicanery of either party becomes intolerable, the proceedings are at once quashed, and the case of the worsted party assumes a brighter aspect, by a demand that his antagonist will at once proceed to settle the matter after the old fashion, on an island (hólm) in the river which ran close by the place of assembly. For these duels (hólmgöngur) a rude code of honour was drawn up and stipulations made according to which either party, if beaten, might ransom his life. In theory, nothing could be fairer than these combats, which were based on the notion that the god of battles was also a god of justice, and from which it may be remarked that right of an appeal to arms which so long existed in English trials took its rise; but in practice, even in Icelandic law, they were found to be unfair and inconvenient, and so when Christianity came in, this appeal to arms vanished along with the right of bearing arms at all at the Allthing, and the freeman was fast bound by legal chicanery, and left without the power of cutting its Gordian knots by the sword.

All skeletons, and, still more, all mummies, are repulsive and forbidding. The fleshless bones and hueless skin of an early state of society are hard and dry, and, when reconstructed too often, recall the hideous lineaments of Frankenstein's monster rather than the rounded form, and glowing cheeks, and flashing eyes of Pygmalion's masterpiece. The historical student, as he plods through the desert of mediæval annalists and chroniclers, and stumbles over the skeletons of once mighty men, may well cast his eyes to heaven, and exclaim,

'Can these bones live?' He may well refuse to believe that any magic of his pen can ever transform these lifeless anatomies into shapes of breathing beauty. But it is not so with Iceland. There the materials for reconstruction, furnished by the *Sagas*, are so abundant, the incidents recorded so truthful and touching, the details so minute, and the descriptions so vivid and lifelike, that we are rather embarrassed by our riches than thrown back on our invention by our poverty. From the cradle to the tomb, the life of the Icelandic chief fetters our attention by its poetry of will and passion, by its fierce untamed energy, by its patient endurance, by its undaunted heroism. From the first moment that it draws its breath, the child of such a chief, in good time to be a chief itself, is watched, by those who are about to follow its fate, with an interest quite foreign to our age and our society. In the nineteenth century we are glad to hear that an ancient line has been saved from extinction by the birth of a son and heir. We do not, now-a-days, stop to inquire if the infant be deformed or a cripple. With us an old house will stand as well upon a crooked as upon a straight support. But in Iceland, in the tenth century, as in all the branches of that great family, it was only healthy children that were allowed to live. The deformed, as a burden to themselves, their friends, and to society, were consigned to destruction by exposure to the mercy of the elements. This was the father's stern right, and, though the mothers of that age were generally blessed with robust offspring, still the right was often exercised. As soon as it was born, the infant was laid upon the bare ground, and, until the father came and looked at it, heard and saw that it was strong in lung and limb, took it up in his arms, and handed it over to its nurse, its fate hung in the balance, and life or death depended on the sentence of its sire. That danger over, it was duly washed, signed with the Thunderer's holy hammer—the symbol of all manliness and strength—and solemnly received into the family as the faithful champion of the ancient gods. When it came to be named there was what we should call 'a christening ale.' There was saddling, mounting, and riding among kith and kin. Cousins came in bands from all the points of the compass; dependents, freedmen, and thralls, mustered strong. The ale is broached, the board is set, and the benches are thronged with guests; the mirth and revelry are at the highest, when in strides into the hall a being of awful power, in whom that simple age set full faith. This was the *Norn*, the wandering prophetess, Sibyl, fortune-teller, a woman to whom it was given to know the 'wierds' of men, and who had come to do honour to the child,

and to tell his fortune. Woe to the man who treated the Norn with disrespect, who so hardened his heart to the instinctive feeling of his race, that there was something prescient and divine in woman, which placed her nearer to the gods, as to sneer at her oracles or deride her prophetic power. The wrath of the Norn vented itself in execrations on him and his house, and, from that day forth, the anger of the gods dogged his footsteps, until it had either driven or lured him to destruction. The belief of one age is the superstition of the next. Few would recognise the dreaded Norn of the Norsemen in those witches and 'wise women' whose charms are still potent in many an English village, and fewer still would see, in the respect paid to both, that feature of our society which proves that it has outrun older civilizations by raising woman to her true position in the social scale. In the East woman has been always a soulless slave; to the Greek she was an idle toy; to the Roman, a mere housewife and keeper of keys. In the West the full light of her mission was at last revealed, and she has risen to be really a worthy helpmeet for man, with a clearer insight into things divine than is vouchsafed to her short-sighted yoke-fellow. After the child was named he was often put out to foster with some neighbour—his father's inferior in power,—and there he grew up with the children of the house, and contracted those friendships and affections which were reckoned better and more binding than the ties of blood. In this old age of the world the law holds us in her leading-strings, as though we had fallen into second childhood, and prescribes a time of life when a man shall come of age; but that early age knew no such law. A man was of age as soon as he was fit to do man's work, as soon as he could brandish his father's sword or bend his bow. Nor did he attain his majority by strength of arm alone; as soon as he showed capacity of any kind, either of head or hand, society opened her arms to the boy, and received him among her members. But for incapacity that age had no mercy. No 'tenth transmitter of a foolish face' would then have been tolerated merely because one of his ancestors, generations back, had been a man of merit. Society required an earnest and pledge from the man himself that he was worth something, and in this the youth found his noblest incentive to action. 'Place, king!' cries a new guest to a king of Norway. 'Place! find a place for yourself; turn out one of my Thanes if you can. If you can't, you must sit on the footstool.'

Of course it was the best introduction to be the son of a chief, but that introduction over, the accident of birth only rendered the demand of society more exacting. 'A chief's

son should be a chief himself. Tell us what you can do, and what you have done.' It would have been as good as no answer at all to say, 'Well! I have done nothing as yet, in fact I am not sure that I shall ever do anything at all, but my great grandfather once did something. He was a great usurer, or general, or statesman, or lawyer.' But then that was a savage age. And so these 'savages' spread themselves over the world to prove their natural nobility. In Byzantium they are the leaders of the Greek emperor's body-guard, and the main support of his tottering throne. From France, led by Rollo, they tear away her fairest province, and found a long line of kings. In Saxon England they are the bosom friends of such kings as Athelstane, and the sworn foes of Ethelred the Unready. In Danish England they are foremost among the thanes of Canute, Sweyn, and Hardicanute, and keep down the native population with an iron heel. In Norman England the most serious opposition the Conqueror meets with is from the colonists of his own race settled in Northumbria. He wastes their lands with fire and sword, and drives them across the border, where we still find their energy, their perseverance, and their speech existing in the lowland Scotch. In Norway they dive into the river with King Olof Tryggvason, the best and strongest champion of his age, and hold him down beneath the wave so long that the bystanders wonder whether either king or Icelander will ever reappear on the surface. Some follow St. Olof in his crusades against the old faith. Some are his obstinate foes, and assist at his martyrdom. Many follow Harold the Stern to England, when he goes to get his 'seven feet' of English earth, and almost to a man they get their portion of the same soil, while their names glow bright in song and story. From Iceland, as a base, they push on to Greenland and colonize it; nay, they discover America in those half-decked barks. All this they do in the firm faith that the eyes of the gods are upon them; that the heroes who have gone before, Helgi and Sigurd and Ragnar, will welcome them in Valhalla, and Brynhilda and the Valkyries greet them with bright looks, and hand them the mead-cup as Odin's chosen champions.

Theirs was in truth a simple creed, to do something, and to do it well, so that it might last so long as the world lasted. They were superstitious—that is, they believed in a false religion; but then they believed in it, which is more than all the professors of a true religion can say. They were proud; but humility is a plant of Christian soil, and takes centuries to grow even there. They believed in luck; in that peculiar fortune which follows the footsteps of some men, and obsti-

nately turns her face from the path of others. This, too, is a belief which a more enlightened age has hardly shaken off. They were revengeful. But revenge was the most sacred duty of a society which knew no voice more awful and impressive than that of a brother's blood calling from the earth. Our age in theory confides this duty to God's justice; in practice, the past year in India has shown that we sometimes act as if vengeance were ours as well as God's. Nor let it be supposed that beneath these tall trees of the forest—beneath all this daring, strength, superstition, and revenge, that lowlier growth of emotions did not thrive, which are the crown and joy of every-day life. 'Weep not for me,' says the dying warrior to his wife, 'lest those hot tears should scald my bosom and spoil my rest.' 'I was given young to my husband,' says a faithful wife, 'and then I promised to live and die with him;' and this she says when the house is blazing over their heads, and the foes that surround it offer to let her escape. 'The man I loved best I treated worst,' says the aged matron to her son, as she recalls the memory of the man whom she had loved as a girl, whom she had lost by a lie, and against whose life she had plotted, to spite the woman who had obtained possession of him through that falsehood. The Icelanders were the bravest warriors, the boldest sailors, and the most obstinate heathen; but they were the best husbands, the tenderest fathers, and the firmest friends of their day. In those days friendship was a serious thing. You made a friend and kept him; he lasted for life; he was not changed every half year, like a coat. In a word, the faults of these Norsemen were the faults of their time; their virtues they possessed in larger measure than the rest of their age, and thus, when Christianity had tamed their fury, they became the torch-bearers of civilization; and though the ploughshare of Destiny, when it planted them in Europe, uprooted along its furrow many a pretty flower of feeling in the lands which felt the fury of these Northern conquerors, their energy and endurance gave a lasting temper to the West, and more especially to England, which will wear so long as the world wears, and at the same time implanted principles of freedom which shall never be rooted out. Such results are a compensation for many bygone sorrows. The cries of any particular people—like those of any one man—trodden down while all the rest speed on, are stifled in the rush of progress, and cannot check for a moment that divine irony which smiles serenely on individual suffering, because it knows that God is just—that to live is to suffer, and that the great purposes of Providence, either for man or nation, cannot be accomplished without frequent and bitter sacrifices. G. W. D.

INFLUENCE OF THE CANON LAW.

ἐν ἤθεσι καὶ ψυχαῖς . . . ἀνθρώπων τὴν οἴκησιν ἵδρυται, καὶ οὐχ αὗ ἑξῆς ἐν πάσαις ταῖς ψυχαῖς.—Plat. *Symposion.*

TO trace the influence of the Canon Law, and the manner in which it became blended with the customary as well as the written jurisprudence of Europe, is the object of the present Essay. It is a task which can hardly be said to have been undertaken; and yet until it is accomplished, not in so perfunctory a manner as the limits of the present work allow, but thoroughly and accurately, our ideas of the progress of social order in the quarter of the globe which we inhabit must of necessity be incomplete.

How it came to pass that at a period when the light of knowledge was almost quenched—when everything seemed to be so rapidly hastening to the reign of arbitrary power, exercised in the most horrible manner over abject serfs by thousands of petty tyrants engaged in perpetual warfare with each other,—there should arise a sacerdotal government which recovered by craft what it had lost by violence,* and all but succeeded in establishing among those barbarians a theocracy almost equally fatal to the moral and intellectual qualities of the species, no writer in our own language has yet attempted to describe.

We find cobwebs changed into fetters of iron—we find the 'gossamers'

That wanton in the idle summer air,

consolidated into the basis of an enormous edifice.

We find men who mocked at justice, and laughed at all idea of right—who admitted no superiority but that of physical strength—who abridged every idea of scorn in the word

* Mably, *Observations sur l'Histoire de France*, l. iii. c. iv.: 'Plus le clergé avait fait de pertes plus il était occupé du soin de les réparer.'

'Roman'—struggling in the meshes of verbal subtleties, governed by dialectical distinctions, and the slaves of scholastic doubts, accepting corollaries deduced from remote premises in the cells of solitary monks, yielding to the arguments of the logician, and obeying, as the body obeys the soul, the behests of one whose only title to authority was that he was the first priest in that city, the very name of which was to their fathers a hissing, a reproach, a mere byword of contempt and abomination.

Nor was it till the fearful abuses, till the shocking immorality, till the insatiable avarice,* till the almost declared atheism of those who claimed implicit veneration in the name of Christ had slowly alienated the powerful instincts which lent their aid to establish this authority, that after many a long year of sorrow and of suffering the yoke which it had wreathed so fast round the neck of the prostrate multitude was snapt asunder.

By what hand was the seed sown that produced a harvest so universal? When were the principles instilled that became the general reason, and are even now in some degree the Common Law of Europe? What cause was adequate to so vast a revolution? What was the fountain of that mighty flood which precipitated itself over so many nations? When did the principle spring up which alone, perhaps, could bridle the impetuous fury of the fierce warriors among whom it was propagated—the principle which, contradicting Aristotle and Plato, persuaded king, lord, and vassal, that as members of the Christian community, men were *not* put under the control of creatures like themselves, but were subject to the influence of a higher being in human shape, whom they were bound to follow as the ox follows the herdsman, and the sheep the shepherd? These are the questions which the progress of the Canon Law suggests, and which give dignity and interest to a subject at first sight repulsive and jejune, but which leads necessarily to speculations that open, exalt, and invigorate the understanding.

The character assigned to the Bishop of Rome by the framers of the Canon Law is as august and venerable as any that it has ever entered into man's imagination to conceive. Europe was considered in their system as one vast moral

---

* In the Bolgia of the Avaricious, Dante asks his guide—

'Maestro mio or. mi dimostra
Che gente é questa, e se tutti fur cherci
Questi chercuti alla sinistra nostra?
Questi fur cherci . . . .
. . . . e Papi e cardinali
In cui usa avarizia il suo soperchio.'—*Inferno*, vii. 36.

territory, of which the Pope was the supreme magistrate, on whom the eyes of all were fixed, and to whom every one could appeal as the tutelary and incorruptible guardian of truth and justice.* Beyond the reach of the clashing passions and numberless temptations by which the children of men are beset, the sole object of his authority was to secure for every Christian that future happiness which is the certain reward of virtue. For this grand end he promulgated laws dictated by the spirit of unerring wisdom, which prevented crime while they purified intention, and which no one, without violating his duty to the great European family, could venture to disobey. Greater than monarchs by his functions, humbler than the lowest by his inclination, his officers were peace, and his exactors righteousness. Unlike the reluctant services wrung from their miserable serfs by the oppressors among whom Europe had been cantoned out, the homage which the Pope received from submissive millions was the willing, unforced obedience of grateful children; and the power he exercised was to guide the ignorant in the way, and to protect him that had no helper against the mighty and the terrible. Thus, while the face of Europe was disfigured by a thousand ridiculous and discordant customs, the offspring of violence and barbarity, there was above them all a law transcendent and sublime, guarded by sanctions which all revered, enforced by an authority which all acknowledged, by which the conqueror and the conquered, the warrior and the peasant, the layman and the priest, nay, by which the judge and the criminal who trembled before the seat of justice, were knit together in one common band of brotherhood and affection; and if, compelled by the perverseness of his subjects, he with whom this divine prerogative had been deposited was obliged to exchange the voice of paternal tenderness for that of admonition and rebuke, he addressed the wanderers like children whom he sought to reclaim, rather than as rebels whom it was his duty to chastise; nor was it till admonition after admonition had been despised, till warning after warning had been set at nought, till entreaty after entreaty had been rejected, that the spiritual sword was at length unsheathed to strike, and that, armed with the same awful power which smote 'Gehazi with a leprosy and Simon Magus with a curse,' the Universal Bishop and common father of Christian men,† amid tears and wailing, cut off the rotten branch to save the living tree, and cast out the incorrigible offender from the law's protection and all intercourse with the

* 'Here let us observe by what degrees and stairs Satan lifted the child of perdition unto that proud title of universal bishop.' Cartwright, *Reply to Whitgift.*

† Οὐχι μᾶλλον ἐπενθήσατε.—*Cor.* i. v. 2.

species to which he was a reproach. Such was the theory of the Canon Law. Unfortunately for Europe, instead of popes and bishops, it required angels for its expounders, and more than an angel for its administration.

The history of the Canon Law is perhaps the most remarkable illustration of the triumph of Fraud to be found in the annals of our species. It is, indeed, true that there was much in the peculiar circumstances of the countries where it struck so deep a root, and of the populations over whom it acquired so astonishing an influence, to account for its success; it is also true that the prevalence of that code was not unmixed evil, inasmuch as an invocation of reason,* however adulterated, and of law, however captious, is better than the perpetual appeal to brutal violence which is the characteristic of the feudal system;† and that some desire to promote the welfare of the species, and to mitigate the frightful evils which on all sides beset them, did (after the wish to make themselves omnipotent) actuate the framers and imposers of the Canon Law, it would be most unreasonable to deny. Still it may be doubted by the moralist whether even these advantages were not dearly purchased by the triumph of an elaborate imposture invented by cunning, cemented by fraud, and maintained by cruelty; and whether the return to a better state of things would not have been more complete, if such an intricate and tangled thicket of hypocrisy and chicane had not been allowed to weave itself into all the transactions of life, and to spread itself over all the surface of society.

Forgeries‡ had been common among the early Christians.

---

* Agobard composed a treatise, *Contra Judicium Dei*, in which he says, 'Frequenter non solum valentes viribus, sed etiam infirmi et senes lacessantur ad pugnam quo vilissimis rebus. Quibus feralibus certaminibus contingunt homicidia injusta et crudeles et perversi eventus judiciorum,' &c.

† Trenga Dei was established by the Church. St. Ivo, of Chartres (*Ep.* xliv.), says admirably well: 'Expectantes a vobis meliora, toleramus imperfectionem, dissimulamus impietatem at cum sanare vos perfecté nequeamus, malumus infirmos et saucios vos habere quam mortuos. Rogamus igitur et obsecramus ut saltem hos quatuor Dies quibus Dominus Salvator noster medicinalia salutis evidentius operatus est pacifice firmiter habeatis.' See x. 21 de Trengâ et pace, which extends it from the Advent Sunday to the Octave of Epiphany, and from Septuagesima Sunday to the Octave of Easter. See Du Cange, also Duellum, Judicium, and Trenga. This was afterwards applied in a most distorted sense by the Canonists.—Van Espen, vol. i. p. 1606. See, however, x. i. 22 *De Perpetuâ Trengâ Gaudentibus:* i.e. 'Presbyteri, monachi, conversi, peregrini, mercatores, rustici, euntes et redeuntes vel in agriculturâ existentes et animalia quibus arant,' &c.; also the prohibition to impose fresh taxes without the consent of the prince, *ib.*

‡ Mosheim, *De Rebus Christianorum ante Constant. M.* Sæculum ii.

The Sybilline verses and the interpolation of the passage in *Josephus* may be cited as instances of this tendency, not surprising in a declining age, to employ unhallowed weapons in the cause of truth. The passage that so frequently recurs to the mind that dwells on the progress of human thought is applicable here—'Will you lie for God, as one man for another, to gratify him?' The utter ignorance of all rules of criticism in the West, of course facilitated the success of these impostures. The most celebrated, and for a long time the most successful, was the famous donation of Constantine* to the Church of Rome. 'Two classes of people,' says Muratori,† 'were captivated by this kind of merchandize—the one, persons who really were imposed upon; the other, persons who thought themselves justified in employing such means to defend their rights.' About the beginning of the tenth century, most of the Italian archives were burnt or destroyed by the Huns; and in France and Germany the devastations of the Normans were still more ruinous—instances abound of grants to monasteries, permitting them to hold their possessions 'Tanquam eadem cartarum et præceptorum instrumenta non fuissent amissa, atque deleta.' The forgery of deeds soon became a lucrative employment. Among the laws of the Lombards there is one pointed at this offence. The false deed when the forgery was proved was publicly lacerated, as in a lawsuit in 998 between the monks of Farfa and the priests of Saint Eustachius, 'Tenente Domino Abbate chartam in manu Jussu Domini Leonis tulit Leo arcarius Sanctæ apostolicæ Sedis cultrum et signum crucis in eâ abscindendo per medium fecit et reliquit in manu Domini Abbatis in conspectu omnium ibidem residentium.'‡

Among other instances cited by Muratori, the most ludicrous, perhaps, is a donation by Lorenza, daughter of Ataulfus, Queen of Aquileia, to the Church of Œmonia, A.D. 163; this was gravely produced and solemnly received in the year A.D. 1150, just about the time of Gratian's forgery. About the same time was also propagated another forgery, which almost plays as conspicuous a part in ecclesiastical history as the gift of

---

c. 7: 'Fallebat homo hic,' the author, 'haud Paucos et magnos etiam Christianorum doctores verum gravem etiam rei Christianæ invidiam creabat.' . . . IV. 'Notæ sunt plures aliæ hujusmodi quas pias immerito vocant fallaciæ hoc et sequenti sæculo a viris non mali forte animi, verum pessimi consilii, susceptæ.'—p. 290.

* Schröckh, *Kirchen Geschichte*, l. vi. p. 125.

† *Dissertazione* xxxiv. *Mabillon de re. Diplâ.* iii. 3; iii. 6: 'Collegia prope nulla paucissimas ecclesias aut familias immunes esse ab hâc spuriorum instrumentorum labe.'

‡ *Rer. It.* vol. ii. part ii. 508.

Constantine—the gift, that is, of Louis le Debonnaire to the Holy See. By this the Emperor gave 'Corsicam, Sardiniam, et Siciliam, sub integritate,' to the Roman Church. To pass over other compilations of less importance,* the first remarkable attempt made in support of the unbounded power claimed by the Roman See was the collection of false decretals published under the name of Isidore 'Mercator,' or according to some, 'Peccator,' which, during the latter part of the reign of Charlemagne, were disseminated throughout the West. Among other documents, this collection contained a great number of epistles from the time of St. Clement to that of St. Siricius. Denys the Little, who lived at Rome about the year A.D. 530, had already made a similar collection, in which he had inserted the decretal letters of several popes, beginning with St. Siricius, who died A.D. 398, and ending with those of Anastasius, who died A.D. 498. Denys affirmed he had employed the utmost care and diligence in collecting all the letters he could find of the ancient popes; and as Isidore's collection first made its appearance about A.D. 788, it would have been singular if he had found so many documents that a writer two hundred years nearer the period when they were written than himself had been unable to discover. These decretals, however, gross as were the marks of imposture with which they swarmed, were long cited as infallible, and produced a great change in ecclesiastical discipline and belief.†

The deepest wound inflicted on the Church and Christendom by the authority of these false decretals, and, at the same time, the means by which they contributed most effectually to the aggrandizement of the Papal See, was establishing the doctrine that a direct and final appeal lay to Rome by any person, bishop, priest, or layman, from the judgment of any court. This maxim, reiterated in every possible shape, was a foundation broad enough to uphold the enormous superstructure that afterwards was raised upon it. The author of the forgery quotes nine popes in support of this assertion, than which none could be advanced more directly at variance

---

* *E.g.*, those of Denys, of Ivo, of Chartres, and of Beuchardt.

† Hâc fraude quam sit perniciose (impostor) meritus de ecclesiâ vix dici potest. Hinc debilitati penitus fractique disciplinæ nervi perturbata episcoporum jura, sublatæ judiciorum leges, aut miserum in modum afflictæ, hinc discordiarum seditionum ac litium seges immensa.'—Constant, *De Antiquis Canonum Collectionibus.* Eichorn, *Grundsätze*, &c. vol. i. p. 168.

And yet this scandalous fraud is defended by the modern advocates of Ultramontane principles. See Walter, *K. K.* 135:—

'Tantum religio potuit suadere malorum.'

with the fact. But with the dissemination of the false decretals, appeals to Rome sprang up in every part of Europe. In vain did Hincmar,* a man of more learning than his contemporaries, oppose this innovation with spirit and ability; in vain did St. Bernard, though believing the imposture genuine, complain of it with all his eloquence as the plague-spot of Christendom—as an encouragement to every vicious priest, and as the source of the most enduring evils. The only remedy which the popes applied to the evil, when they found it paralyzed the execution of their own orders, was by inserting the clause 'non obstante,' an appeal,—in their bulls where it became a regular form, and whence it was transmitted to the public and private law of Europe.†

Another point inculcated with great care in these decretals was that the Pope alone was the final judge of bishops, and that the accusation of a bishop for any offence should be a matter almost impossible. This again was an innovation at variance with the express language of councils and with the known practice of the Church during the nine first centuries. Paul of Samosata, Bishop of Antioch, had been tried and deposed by the Eastern bishops without the participation of the Pope.‡ Many bishops had been accused and

---

* The Archbishop of Rheims, not to be confounded with his namesake and contemporary, who was a bishop. Hincmar says (50 *Capitul.* xxiv. p. 110): 'Plena est terra ista de libro collectarum Epistolarum ab Isidoro quem de Hispaniâ allatum Riculphus Moguntinus Episcopus in hujusmodi sicut et in capitulis Regis studiosus obtinuit et istas regiones ex illo repleri fecit.' In the 25th cap. he draws a distinction between the 'Synodalia Concilia' and letters written on particular occasions; but he speaks out still more plainly, 43, Antiquiorum vero Pontificum Epistolas—*i.e.* from Clemens to Syricius, 'esse quidem venerandas sed in illis judicio et delectu opus esse quasdam enim ex illis invicem pugnare et etiam adversari sæpe canonibus postea receptis.' Again, *Ep.* VII. c. xxii. xxiii. and xxiv., he traces the 'Acta' of Sylvester as spurious.

† Van Espen, p. iii. tit. x, p. 156.

In a letter drawn up by Hincmar, in the name of Charles the Bald, to Pope Adrian (*Ep.* Bouquet xvi. vol. vii. p. 544), he directly asserts that the summons to Rome is contrary to ecclesiastical law and usage: 'Novâ lege priscis tam publicis quam ecclesiasticis contrariâ, immo ordine novoque more habetur ut nonnisi a vobis et Romæ valeat judicari pro his excessibus de quibus habentur certa sacrorum canonum et legum decreta.' He adds that ecclesiastical matters ought to be settled in the province where they arise ('in provinciâ in quâ acta sunt secundum Antiochenos canones').

‡ Hincmar, in a letter to Pope John, in the name of Charles the Bald (Bouquet, *Recueil*, vol. vii. p. 549, clause 19) says, 'De appellatione Episcoporum ad hanc sedem Apostolicam, et de Presbyterorum, et Diaconorum appellatione.' He says they ought to appeal 'ad comprovinciales Synodos,' and that the consequence of appeals to Rome would

deposed by provincial synods. Pope Vigil, in A.D. 545, had indeed appointed a legate in Gaul, and in the letter he addressed to the bishops of France on that occasion, had arrogated a right of final judgment; but the attempt was unsuccessful: and Gregory of Tours, as if for the very purpose of refuting the Papal pretensions, tells us that Salonius and Sagittarius, two prelates who were deposed by a council of Lyons, did not dare to appeal to the Pope against the sentence till they had obtained permission from King Gontram.* Nor in these ages, when the emperors were forced to defray the expense of bishops summoned to general councils, would it have been possible for the bishops of Greece, Syria, Asia, Egypt, Africa, France, and Spain, much less for their accusers and the witnesses in their cause, to bear the charges of a journey to Rome. The right of translating bishops from one see to another was another maxim laid down in the same compilation as inherent in the Pope.

It was also laid down† that no general council could be summoned without the assent of the See of Rome:—'Ipsi vero primæ sedis ecclesiæ convocandarum generalium synodorum jura et judicia episcoporum singulari privilegio . . . concessa sunt;' and again, 'Non oportere præter sententiam Romani Pontificis concilia celebrari, nec episcopum damnari.'‡ The Pope might cancel the decree of any provincial synod, and without his sanction no decree had any binding power.§ The custom of exhorting bishops to observe established rules, and

---

be absolute impunity to ecclesiastical transgressors. 'Faciet licenter quisque Presbyterorum quodlibet unde si fuerit redargutus veniat Romam.' He then proceeds boldly to impute the new collection of rules to forgery. 'Et quia pro singulis Presbyteris Episcopi Transalpini regulanter judicatis missos dirigere et actionum documenta scribere non valent nec testium necessarias personas vel propter sexus vel propter senectutis infirmitatem vel pro multis aliis impedimentis huc producere, fiducialiter poterit mentiens quique innocentiam asserere, cum non erit qui mendacia ejus poterit refellere. Unde sicut præmisimus legum et canonum conditores, prudentissime justissiméque viderunt, quæcunque negotia in suis locis, ubi orta sunt finienda.'—K. τ. λ. Therefore clergymen regularly judged by their bishops go to the Roman See without the knowledge of their bishops, and obtain orders for them or their deputies to appear at Rome. 'Quod nullis antiquorum legibus vel patrum regulis decretum fuisse legimus.'

* Bouquet, tom. iv. p. 61.

† Greg. of T., lib. v. c. 21: 'At illi cum propitium sibi regem esse norunt ad eum accedunt, implorantes se injuste remotos sibique tribui licentiam ut ad papam urbis Romanæ accedere debeant.'

‡ *Dec Julii.* P. Ed., Paris 93. Eichh. vol. i., p. 162.

§ Provincialis Synodus retractetur per vicarios urbis Romæ episcopi si ipse decreverit. Ib. 97.

to embody them in a written code,* was changed into the right of binding them to the observance of all decrees, and the transition was easy from observing decrees methodized by the See of Rome as the old usages of the Church, to observing them simply because the See of Rome had sanctioned them, and without regard to any other motive. Hincmar pointed out the difference in a passage worth quoting, as it indicates the progress of fallacies which exercised so vast an influence on the fate of Europe, and also proves that there were not wanting, even in that day, men who did their utmost to warn their contemporaries against the consequences which they foresaw from the opinions that began to creep about:—'Primum sciendum est aliud esse promulgare sacros ordines et canonum disciplinas, aliud promulgare *de* sacris ordinibus et canonum disciplinis, sicut aliud est promulgare leges, aliud promulgare de legibus. Promulgare leges, est leges condere, promulgare *de* legibus est de illis judicia sumere et secundum illas judicare.†

That Italy was the real birthplace of this imposture, and that it was the work of one man, or of several men acting in concert, and for a deliberate premeditated purpose, is proved by conclusive evidence. The author borrowed largely from a collection of traditions as to the early history of the Roman Church, called the *Liber Pontificalis*. These legends were composed in a strain of extravagant fiction concerning the early bishops of Rome, and the ideas of their authority which they began to disseminate in the fourth century, and which in the sixth century were thrown into the form of biographical narrative. Traces of the influence of the false Isidore are to be found early in the ninth century. Passages from them are cited in the Synod of Paris, A.D. 829, and in that of Aix-la-Chapelle, A.D. 836; others are quoted by Benedict, Deacon of Mayence, A.D. 845; and in A.D. 869, Hincmar, Archbishop of Rheims, alludes to them distinctly in a letter to his namesake and antagonist, the bishop. 'If you have collected and garbled these letters of Bishop Angilram,' he says, 'in the belief that no one has the letters but yourself, it is surprising, 'Cum de ipsis sententiis plena sit ista terra, *sicut et de libro collectarum epistolarum ab Isidoro*, quem de Hispaniâ allatum. . . . Riculfus

---

* Regulam protulistis . . . . . quæ nullas habet vires quoniam nec . . . . nec Romanæ ecclesiæ legatio interfuit canonibus præcipientibus sine ejus auctoritate concilia fieri non debere nec ullum ratum est aut erit unquam concilium, quod non fultum fuerit ejus auctoritate. Ib.

† Hincmar *adv.* H. L. l. c.

obtinuit.'* But that the doctrine of the infallibility of the Papal See was ventilated in that age, is evident from the passage cited below from a writer of the ninth century.†

All these doctrines were extended and corroborated by another forgery. This was produced in the year 1150, by Gratian, a Benedictine monk of Bologna. It was entitled by him *Concordantia Discordantium Canonum;* but the name which has been assigned to it by common consent is the *Decree of Gratian* (*Decretum Gratiani*). This work soon superseded every other compilation. It was explained in the schools, cited in the tribunals, and recognised everywhere as the sole authentic collection of the Canon Law. In this work, Gratian went further than the false Isidore, maintaining that no canons are binding on the Pope. Thus the doctrine grew up in the Latin Church that the papal power was unlimited. Besides this, Gratian maintained that in no case could a priest be amenable to a lay tribunal—a position which he established by several extracts from the false decretals, a pretended law of Theodosius which Charlemagne had been persuaded to adopt, and a garbled passage from one of Justinian's novels, which, taken altogether, bears the contrary signification. This was the canon on which Beckett relied to justify his opposition to Henry II.

Van Espen says,‡ to some it may appear wonderful how the work of a private monk like Gratian, 'tantâ confusione compactum, tot erratorum congerie, necnon apocryphis monumentis refertum,' should have obtained so much authority and veneration; and for this he assigns four reasons:—First, the method according to which it was arranged; secondly, the matter of which it consisted, on which he remarks that Gratian made more use of the Civil Law than any former compilers,—'Præ reliquis canonum collectoribus jure civili Romano utitur;' thirdly, the reputation of the University of Bologna; but the fourth and paramount cause he assigns is, that he not only reiterated all that the false Isidore had laid down in favour of the exorbitant and monstrous pretensions of the Holy See, but added for the same purpose much for which the age of the false Isidore was not ripe, and that the compiler of those forgeries would not have dared to insert in his collection.§

---

* Hincmar *opusc. adv.* Hincmar Londemen c, 24.

† Stultitiæ elogio denotandi qui illam Petri sedem aliquo pravo dogmate fallere posse arbitrati sunt quæ nec se fallit nec ab aliquâ hæresi unquam falli potuit Ann. met. A.D. 864., cit ap. Mably, *Obs. sur l'Hist. de France*, l. iii. c. 4.

‡ Van Espen, v. viii. p. 5.

§ The words of Van Espen, a Roman Catholic, are 'Non tantum retulerit ea quæ Pseudo Isidorus ad amplificandam auctoritatem Roma-

That from this time the edicts of the popes should be multiplied with great rapidity was a necessary consequence, not only of the lust of power in those who occupied the See of Rome, but of the actual state of Europe. The incessant wars between the feudal nobles, and the convulsion which followed the overthrow of the empire of Charlemagne, made the assemblies of bishops rare, and the authority of their metropolitans precarious. That of the popes, on the other hand, increased, especially when they had succeeded in breaking down the power of the petty tyrants in the vicinity of Rome. Councils were held then for the reformation of ecclesiastical discipline. The most celebrated is that which was held at Lateran, in the year 1215, under Innocent III. That pope, as well as Alexander III., and many other popes of the twelfth and thirteenth centuries, was a profound lawyer. Rome was the scene of incessant litigation. Saint Bernard* represents the consistory of cardinals as occupied in deciding causes from morning till night, and its president the pope was scarcely able to find a moment's interval from his judicial duties—so completely were the barbarians of Western Europe governed by sovereigns who could not write, and judged by nobles as illiterate as they were cruel, the dupes of these transparent impostures. But in the empire of the East, where literary habits and traditions still kept their ground, and where ignorance in the higher ranks was as uncommon as knowledge of any kind was among the same classes in Europe, the impudent claims of the Roman See, and the gross frauds on which they rested, were laughed to scorn as not deserving a serious refutation; and when Innocent III. addressed to the Emperor of Constantinople the famous decree 'Solitæ,' which

---

norum Pontificum confinxerat sed et plura alia addiderit ad hunc finem conducentia quæ ille suo tempore *scribere ausus non fuerat.*'

'Au reste quand les evêques de Soissons auraient eu le malheur de trouver de faux titres dans les archives de leur évêché il n'y aurait rien en cela d'extraordinaire. Tous ceux qui ont porté plus loin la connaissance de l'antiquité nous apprennent que le siècle dans lequel ces pièces paroissent avoir été faites fut très fécond en fabricateurs de faux titres,' &c. D'Aguesseau, *Œuvres*, vol. vi. (8vo ed.) p. 250. 1er Requête sur la mouvance du comté de Soissons.

* St. Bernard, believing the citations of Isidore genuine, could not dispute the right of the Roman See; but his invectives against the consequences of its exercise are fierce and incessant. 'Nonnullis etiam quoad vixerunt licuisse appellationis suffragio nefaria scimus, verbi gratiâ incestum adulterium . . . . Quousque murmur universæ terræ aut dissimulas aut non advertis? Quousque dormitas? Quousque non evigilat consideratio tua ad tantam appellationum confusionem atque abusionem. Præter jus et fas præter morem et ordinem fiunt.' Bernard, *De Consideratione*, lib. iii. c. 2, num. 7, tit. 1, Ad Eugenium Papam, and see (for an older remonstrance on the same subject) Cyprian, *Epist.* 59, ad Cornelium Papam.

is to be found in the sixth chapter of the thirty-third title of the first book of the *Decretals*, he exposed his pretensions, with the reasoning by which they were maintained, and which in France, England, and Germany was acquiesced in as unanswerable, to undisguised contempt and ridicule.

The *Decretals* of the Roman See were never accepted by the Greek Church as rules of doctrine, discipline, or practice. From the middle of the tenth century, the separation between the Greek and Roman Churches was complete. Each claimed the title of Catholic, and neither the establishment of bishopricks in the East by the Crusaders, which were dependent on Rome, nor various efforts at reconciliation that were made before the final destruction of the Eastern empire, could heal the wound, or prevent the rent from descending to the foundation. The Greek Church enlarged its domain by the conversion of the Eastern and Northern Slaves, and by founding the Russian Church, which till the year 1700, when Peter the Great declared himself its head, recognised the supremacy of the Patriarch of Constantinople.*

Many collections† were made of these papal edicts since the publication of Gratian's work, but the only one of which the authority has continued to our time is that of Gregory IX., composed in 1234, by Raymond de Pegnafort, a Dominican monk of Catalonia. This contains all the decrees of the great council of Lateran in 1215, and the decisions of the popes on a vast number of subjects, distributed, according to the subject, in five books. The topics are stated in the line—

1. Judex. 2. Judicium. 3. Clerus. 4. Sponsalia. 5. Crimen.

These are called simply the *Decretals*. All that precede them are cited by the canonists as ancient. In 1294, Boniface VIII. published a sixth book of *Decretals*, called the *Sextum*, divided into five books, in the same order as the compilation of Gregory. This contains the decrees of two general councils of Lyons—one held by Innocent IV., A.D. 1245; the other by Gregory X., A.D. 1274. It contains, also, the decrees of several other popes, from Gregory IX. to Boniface VIII. The next collection was called the *Clementines*, because it contains the constitutions of Clement V. adopted in the general council of Vienna, A.D. 1311. These were published in 1317, by John XXII. All the

* The Synod of Constantinople, 692, called Trullana, from the vaulted roof (trullum) of the room in the Imperial Palace where it met, laid down definitively what should be considered a canon of the Church, and forbade expressly all changes, whether as additions or omissions, in the rule as it was then constituted.

† There were five between the Decretum Gratiani and the Decretals.

decrees added to the Canon Law since that time are called *Extravagants*. There are the decrees of John XXII. and the *Common Extravagants*, which contain the edicts of other popes, not only of those who followed, but of some who preceded John. Thus, the text of the Canon Law consists of these books—the *Decretum*, the *Decretals*, the *Sextum*, the *Clementines*, and the *Extravagants*. The popes did in the Church what Justinian had done in the Roman Empire. The *Decretum Gratiani* was the Pandect; the *Decretals* were the Code; the *Sextum*, the *Clementines*, and the *Extravagants*, were the novels of the Canon Law; and, to complete the resemblance, in the year 1580, Paul IV. caused John Paul Lancelot to compose the 'Institutes,' which were added to the *Corpus Juris Canonici* under the pontificate of Gregory XIII. Such were the numerous vicissitudes of ecclesiastical law during the period of two hundred years, from Gratian to John XXII. The changes in the discipline of the Church kept pace with its legislation. The text of the Canon Law was incessantly glossed upon by all the subtleties of scholastic theology; all the arts of chicane were employed to prolong and exasperate litigation; and it would have been well for Europe if a perplexed and intricate system of legal proceedings* had been the worst evil inflicted on mankind by those who supported the usurpation of the Roman See. But while men sought to erect the power of the hierarchy on the basis of religion, they dissolved the principles of morality, and thus shook to its foundation the only sure and solid support of all human happiness and security. Louis XIV. said, 'L'état c'est moi.' This appeared to Europe the limit of human arrogance. The Pope went farther and said, not to France, but to mankind, 'I am your salvation.' By the influence of the false decretals, the government of the Church was converted from an aristocracy into a despotism. The crozier of the Roman prelate was the emblem of a sway, compared with which that of Tiberius or Napoleon was languid and imperfect. Extending from the cradle to the grave, from the hut of the serf to the palace of the ruler, it comprised every period of life, and every denomination of society. It penetrated into all the relations of the private state; it was bound up with all the fierce struggles and varying interests of kings and warriors. Nothing was great enough to disregard its power; nothing so small as to escape its notice. Wills, com-

* 'Afin que tout le bons sens leur vînt d'ailleurs ils (les Français) ont adopté toutes les constitutions des Papes, and en ont fait une nouvelle partie de leur droit—nouveau genre de servitude . . . . ce n'est pas tout ces lois étrangères ont introduit des formalités, qui sont la honte de la raison humaine.'—*Lettres Persanes*, 107.

pacts, prescription, marriages, betrothals, crime, repentance, suffering;—whatever awes or refines, or elevates or degrades mankind; whatever captivates the imagination, or bridles the will, or imposes on the judgment; whatever charms the sense, or wins upon the affections; whatever kindles, or delights, or strikes terror into the soul; whatever makes life gracious and death indifferent, were the instruments of its authority. Dynasties were changed at a command signed by the servant of servants, and monarchs at the head of victorious armies turned pale at the signet of the Fisherman.

The fit materials for this vast edifice had been collected by the industrious hands of the false Isidore, and no more was wanting but a daring and skilful architect to gather them together, and mould them into one stupendous system. In the eleventh century this defect was supplied. Gregory VII. drew,* with a firm hand, the bold outline of the scheme which was pursued for one hundred and fifty years with unabated diligence, which to this hour has never been abandoned, and which, though it never was quite filled up, was carried far enough to confound the principles of public law, and to menace Europe with intellectual bondage. It was especially the work of four consummate artists—Gregory VII., Adrian IV., Alexander III., and Innocent III.—from 1017 to 1198. Under Innocent III. it reached its highest point of ascendancy, from 1198 to 1216; there it continued about eighty years, from 1216 to 1295. When Boniface VIII. strained the springs farther, they gave way; one by one the different parts of the mighty engine crumbled into powder; and the ruins of the work, which are still visible in the social system of Europe, furnish matter of speculation to the philosopher, of instruction to the jurist, and of wonder to the politician, but no longer minister any cause of alarm to the lover of freedom and the advocate of private judgment. The famous Extravagant, 'Unam Sanctam,' launched by Boniface at Philip le Bel, was fatal, not to its object, but its author; the flame he kindled lighted his own funeral pile. He was surprised at Anagni, by Sciarra Colonna, a savage Roman baron, whom he had savagely persecuted; and by Nogaret, Chancellor of France, who had driven matters so far that the destruction of Boniface or him-

* 'Quod Solus Romanus Pontifex judicatur universalis—quod ille solus potest deponere episcopos . . . . quod nulla synodus absque præcepto ejus debet generalis vocari . . . . quod illi soli licet pro temporis necessitate novas leges condere . . . . quod solus uti possit imperialibus insigniis, quod solius papæ pedes omnes principes deosculentur . . . . quod unicum est nomen in mundo Papæ videlicet—quod illi liceat imperatores deponere . . . . quod a fidelitate iniquorum subjectos potest absolvere.'—*Dict. Greg.* vii. cit., apud Mably, *Observ.* v. ii. p. 281.

self was inevitable. Colonna dragged him from his seat, and struck him with his gauntlet on the face; Nogaret interfered to save his life, exclaiming, 'O toi, chétif Pape, considére et regarde la bonté de mon seigneur le roi de France, qui si loin de toi que soit son royaume par moi te garde et te défend.'* Boniface was rescued, but the humiliation was mortal; he died of rage a few weeks afterwards at Rome, grinding his teeth, and pouring out a torrent of blasphemies and imprecations. To this memorable event Dante alludes in the lines—

> Veggio in alagna entrar lo fiordaliso,
> E nel vicario suo Christo esser catto,
> Veggiolo un altra volta esser deriso,
> Veggio rinnovellar l'aceto e' l'fele,
> E tra vivi ladroni essere anciso,
> Veggio 'l nuovo Pilato si crudele,
> Che cio nol sazia, ma senza decreto,
> Porta nel tempió le cupide vele.
>
> *Purgatorio*, xx. 85.

Under this system, ecclesiastical† punishments were inflicted by a fixed rule. In a short time the most frightful doctrine that ever was allowed to prevail among civilized men—the doctrine, in direct defiance of the plain words of Scripture, that the Deity would accept money as an atonement for past, and even for intended sin—grew up in Europe, bringing with it the most hideous consequences. But if the sinner did not, by payment of the sum required, or by such submission as was demanded, release himself from the effect of excommunication, the arm of the civil power was invoked by the Church to enforce its consequences.‡ The series of titles in the fifth book of the *Decretals* follows, as Walter remarks, the order of the Decalogue. By virtue of the first commandment, the Church punished idolatry, heresy, schism, apostacy,§ simony; by virtue of the third, she punished blasphemy and perjury; the fourth required then no sanction, as it had become an universal usage; the fifth gave the Church authority over the relations of master and servant, of king and subject; the sixth enabled her to prohibit every

* *Cron. de St. Denis*, cit. apud Martus, vol. v. p. 147; *Hist. de France.*

† This became exactly the doctrine reprobated by Plato πολ. 2, *ἀδικητέον καὶ θυτέον ἀπὸ τῶν ἀδικημάτων.*

‡ Decret. Childebert, 595, Qui Episcopum suum noluerit audire et excommunicatus fuerit—de palatio nostro sit omnino extraneus et omnes facultates suas parentibus legitimis amittat. cap. Pippin 788. Quod si aliquis excommunicatione contempserit et episcopus emendare minime potuerit regis Judicio exilio condemnetur. *Capit. Reg. France*, lib. vii. c. 432, cit. ap. Walters p. 347, c. 195 K. R.

§ 5—3; de Simoniâ 4, 5, 6; de Judæis Saracenis et eorum servis 7; de hæreticis 8; de schismaticis, &c. 9; de apostatis et reiterantibus baptisma 5, 16, 11, 12, 13, 14, 15.

kind of slaying* and mutilation, and in consequence tournaments, the use of murderous weapons, rude and brutal sports;† the seventh, to punish intended sensuality;‡ the eighth, to punish theft, incendiarism, and usury;§ the ninth, slander and false witness, forgery, enchantments, divination, chiromancy;‖ the tenth, unrighteous desires for, and injury to, the property of other men.¶

The doctrine of Indulgences** was connected with that of Purgatory by the popes in the eleventh century; it was a mine more inexhaustible than any that the restless enterprise of man has yet discovered, for it had no bounds but human folly. Mitigating the severe discipline of the early Church, the popes declared that pious works, such as pilgrimages, the endowment of churches, the building of monasteries, and even the payment of small sums,†† might atone for sin in the place of open penitence and bodily sufferings. In the year 1095, Urban II. proclaimed full indulgence, 'plenaria indulgentia,' in lieu of the penitence required for the sins of his whole life, to every one who should engage in the crusade. Innocent III. limited the indulgences that bishops might grant to cases where forty days' penitence would be required.‡‡ All others were reserved for the Pope, who bestowed them liberally in favour of particular churches or monastic orders. Boniface VIII. invented an indulgence more effectual, as he asserted, than any yet discovered, for all who should visit certain churches at Rome on the centenary jubilee beginning with the year 1300, which he established. Clement VI., in 1349, commanded that the jubilee conferring the same privileges should be held every fifty years, declaring that the merits of Christ and the saints were an

---

* De taurorum et alior. animal. agitat 6to. 5, 18.

† De adulterio et stupro 5, 16.

‡ 5, 17, 18.

§ 5, 20 de crimine falsi; 5, 21 de sortilegiis.

‖ 5—36 de injuriis et admodato.

¶ Gregory the Great adopted the doctrine of Purgatory. Schröckh, *Kirchen Geschichte.* Ib. xvii. 330. Eichhorn K. R. p. 209.

** 'Si quis forte non possit jejunare et habuerit unde possit redimere si dives fuerit pro 7 hebdomadis det solidos 20; si non habuerit tantum det solidos 10.'—Regino, de discipl. Ecc. cit. ap. *Gieseler K. Ges.* b. ii. Ib. i. s. 264.

†† De Pœnitentiis 5, 28, 14. In the early church the excommunication of a sinner was marked by the loud lament and wailing of the congregation; hence the propriety of St. Paul's expression, 'Have not rather mourned, that he that hath done this deed might be taken away from among you.'—1 Cor. v. 2.

‡‡ Cap. 1. Extrav. commun. de Pœnitent. 5, 9. Ib. 4, cap. 1. Cap. extrav. Comm. eodem, 'quem quidem thesaurum per be. Petrum—commisit fidelibus salubriter dispensandum nunc pro totali nunc pro partiali remissione pœnæ temporalis pro peccatis debitæ.'

inexhaustible treasure belonging to the Church, of which she might distribute at her pleasure portions for the justification of her children. Thus, in 1473, Sixtus IV., improving on the scheme of his predecessors, ordained that the jubilee should be held every twenty-five years. Acting on the maxim of the Canon Law, 'Odia restringi favores ampliari convenit,' dispensations and indulgences were granted for a hundred or for a thousand years—an abuse so enormous that even the standing army of the Papal See rebelled against it. These portentous indulgences, exclaims Soto, are not the grants of Popes, but the impostures of collectors, 'istæ portentosæ indulgentiæ non emanant a Papâ, sed sunt quæstorum imposturæ.'* Feeble efforts were made to check the scandal which arose, from the doctrine that the 'rigor† canonum propter necessitatem relaxatur,' that is, for the benefit of the Church of which the Pope, according to the canonists, was sole judge. The canonists, however, laid down the rule that, 'Dispensatio est concessio facta contra jus commune,' and therefore, is 'stricti juris et strictam recipit interpretationem;' but they allowed, in defiance of natural justice, that pardons might be granted for future sin if the good‡ of the Church required it. Thus, Innocent III. orders the canons of the Church of Padua to confer a prebend,§ to hold which residence was specially required, on a clergyman who could not reside, on the principle that 'in contractibus plena, in testamentis plenior, in beneficiis plenissima est interpretatio exhibenda.'‖ Very good care was taken, however, that this doctrine did not extend to tithes, which, before the Council of Lateran, laymen had been allowed to possess. 'Cum in talibus,' says Innocent III., 'non¶ sit extendenda licentia sed potius restringenda.' 'Laici spiritualia possidere non possunt ergo nec præscribere,' are the words of Alexander III.**

There is, as has been remarked, a certain analogy between the progress of ancient Rome in subduing the Western World by her arms, and in the progress of modern Rome in imposing upon the same portion of the globe the still heavier yoke of ecclesiastical usurpation. Five hundred years of incessant

---

* Sarpi, *Istor.* i. 7. Council of Trent, Sess. 21, c. 9, abolished indulgences.

† Cap. necessaria 6, caus. 1, quæst. 7.

‡ 'Dolus Præteritus,' says Eugarius, on the contrary, 'potest remitti dolus futurus remitti non potest,' parte 3, variar. resolut. cap. 11, No. 76. There is a law in the Digest de precibus imperatori offerendis, 'Rescripta contra jus elicita ab omnibus judicibus refutari præcipimus.'

§ Cap. olim 1; Extr. de verb. siqu.

‖ Cap. cum dilecti 6; Extr. de donationibus.

¶ Cap. tua 25 s. ult.; Extr. de decimis.

** Cap. causam 7; Extr. de Præscript.

warfare hardly enabled Rome to conquer Italy, but after that period two hundred years were sufficient to complete the vast fabric of her empire. So during the period when Italy was overrun by successive hordes of barbarians, and the exarchs of Ravenna exercised a feeble and delegated sway over the provinces still nominally subject to the Emperor of the East, the advance of the Roman Pontiff to power was by steps slow, vacillating, and almost imperceptible. Several popes succeeded, sometimes by the wretched cabals at Constantinople and Ravenna, sometimes by a dexterous use of circumstances, sometimes by daring impudence, in extending for a time the limits of their authority, but their successors were as often driven back within the bounds of their original jurisdiction. Though, during the period which preceded the empire of Charlemagne, some popes, especially Gregory the Great, had filled a large space in the eyes of their contemporaries, it cannot be said that they had succeeded as yet in establishing any permanent or methodized domination. Their power was raised on an error of fact. Impostures, too gross and too transparent to have deceived any but the most barbarous of mankind, made Rome once more the centre of dominion and the arbitress of Western Europe. The condition of the minds of men when their various frauds were propagated successfully may be judged of from the fact that so late as the year 1302, Boniface VI., in the bull to which we have referred, endeavours to establish the absolute supremacy of the Papal See, in temporal as well as spiritual matters, over every human creature, by the argument that when the apostles said, 'Behold, here are *two* swords,' the Lord did not answer, 'It is too much,' but 'It is enough.'* If every day's† experience did not show the mischief of narrow views, and the evil of strengthening one faculty of the mind at the expense of all the rest, it might appear strange that the age when logic was so exclusively studied should be exactly the age when the grossest fallacies

---

* 'Unam sanctam,' the summary of the Papal creed in its meridian, *Common Extrav.* i. § 1, 'nam dicentibus apostolis,' 'ecce gladii duo hic' . . . . non respondit Dominus nimis esse sed satis. The *Decretal* concludes, 'subesse Romano Pontifici omni humanæ creaturæ declaramus, dicimus, diffinimus et pronunciamus omnino esse de necessitate salutis,' l. c. 2 E. D.

† Frederic I. answered him in his own way, not disputing the relevancy of the text, but asserting that it led to an opposite conclusion, 'Cum . . . . a solo deo imperium nostrum sit qui—duobus gladiis necessariis regendum orbem subjecit,' &c.—Muratori, *Script. Rer. It.* vol. vi. p. 279; and Sachsisch. *Landv.* b. 1, art. 1, 'Zwey swert by Got in erdreich zu beschimene die Christenheit,' sq. cit. apud Eichhorn, v. i. p. 187.

were most triumphant. But, as Lord Bacon has remarked, studies teach not their own use. The arguments with which the rude nobles, and even Pierre de Cugnères, combated ecclesiastical power, were as weak as those by which it was supported. 'La cause de l'Eglise,' says the excellent Fleury, in his invaluable history, 'fut aussi mal défendue qu'elle avait été mal attaquée' . . . . 'on raisonnait sur de faux principes.'

It was a principle of Roman law that a judge could not delegate his authority. There was an exception in the cases of judges appointed by the Emperor himself. They might superintend the execution of their own sentences, and appoint judges from whom there lay an appeal to themselves, not to the sovereign.* But though the judges nominated by the sovereign might delegate their power of pronouncing sentence, it is nowhere stated that they could delegate their jurisdiction. This power, however, the Roman pontiffs conferred upon their judges; even to a second and third degree they might delegate and sub-delegate. The authors of this innovation were Alexander III. and Innocent III.† Alexander III. says that if the ordinary judge cannot carry into effect the sentence of the delegated judge, 'delegatus judex eam auctoritate nostrâ sibi commissam potest exsecutioni mandare et si qui sibi restiterint eos sententiâ ecclesiasticâ coercere.' By the 60th Novell, in order to stop a very flagrant and obvious cause of injustice, Justinian expressly forbad the judges delegated from him to entrust any part of a cause to their assessors, 'neque principium, neque medium, neque finem.' But‡ in the twenty-seventh chapter of this first book of the *Decretals*, Innocent, by a still more exorbitant abuse of power than Alexander, gives express authority, 'ut parcatur laboribus et expensis,' to his delegate, 'et principium, et finem, et medium causæ, sibi commissæ, non solum conjunctim sed etiam divisim alii delegare,' non obstante the novell, inasmuch as he is bound, before he pronounces sentence, diligently to investigate every part of the proceedings. And if the delegate reserved to himself from his sub-delegate any part of his jurisdiction, 'aliquid sibi de jurisdictione reservaverit,' the appeal was from him, not to the supreme authority but to the delegate. Alexander III. declares that the Roman Pontiff is entitled to pronounce upon all controversies that may arise in any part of the Christian world;§ and Innocent III. lays down the bottomless doctrine that (nos)

---

* Cod. de judiciis lex 'a judice.' Cod. 'qui pro suâ jurisdictione,' lex unica.

† 1, 29, s. 7. ‡ 1, 27. § 1, 3, 1.

'secundum plenitudinem potestatis de jure possumus* supra jus dispensare.'

Mezeray, after remarking that the popes, while admitting in words the temporal power of princes, established an indirect domination over them by their claim 'de juger si leurs actions etaient bonnes ou mauvaises,' and illustrating his proposition by the interference of Innocent III. in the dispute between John and Philip Augustus, adds, that most disputes between individuals were settled in the Court of Rome during the twelfth century; and, says Broussel,† this function continued in the thirteenth century. He cites, as an instance, that in the year 1207 the Bishop of Coutances, in Normandy, having certified to the Court of Exchequer in that province that the possessor of land, whose title was impeached on the ground that he was illegitimate, had not prosecuted his appeal to the Pope, the Court of Exchequer adjudged the land to the plaintiff in the suit, and declared that appeals out of Normandy were invalid.

In Normandy, the dukes claimed the right of recommending to the vacant bishopries and abbeys, by a right called the 'Droit‡ de Régale.' Innocent III. complains of the frightful violence to which the disputes on this ground occasionally gave rise.§ William Le Breton, in the eighth book of his *Philippeis*, praises his hero, Philip Augustus, for having restored the liberty of election which the Kings of England had usurped—

> Præterea motu proprio, nullo supplicante
> Indulsit monarchis et clero, ut fiat ab illis
> Canonico deinceps Pastorum electio ritu,
> Nam Rex Anglorum jus usurpaverat illud,
> Usque modo ut solus Pastores ipse crearet.

The question as to the extent of episcopal jurisdiction under the Christian Emperors, is decided by the novell of Valentinian de Episcopali Judicio, in the Theodosian Code, where it is said in express words, 'constare episcopos forum legibus non habere;' and in the Code of Justinian‖ bishops are invested with

---

* *De Concessione Prebendæ*, 3, § 4.

† Broussel, *Traité des Fiefs*, vol. i. p. 279: 'Quia Episcopus Constanciensis per literas suas testificatus est, quod tenens qui super bastardiâ impetebatur, appellationem ad Papam interpositam infra terminum sibi assignatum prosecutus non fuerat. Indicatum est quod petens habeat terram illam. Item indicatum est super hoc quod extra Normanniam non potest appellari.'

‡ A word which has been misunderstood as meaning royalties. It has a totally different origin, and means a present—*cadeau*.

§ *Ep.* lxviii. c. 5.

‖ Sarpi, *Ist.* lib. iv. c. xv.: 'Il giudice Ecclesiastico resta senza escuzione. 7 and 8 *Cod. de Episcopali Audientiâ.*

power to hear and decide, but not with jurisdiction—that is, with power to enforce their decrees;—they had no officers or apparitors for such a purpose; neither in civil nor criminal matters, neither for offences against the public nor against the church, had they, in the proper and full sense of the word, 'jurisdiction,' not even* over the clergy. The bishop, however, had a power over inferior priests and monks, and even laymen. He might suspend, deprive, and degrade the one, and excommunicate the other. Bodily or pecuniary punishment he could not inflict, as St. Chrysostom† expressly declares, where he compares the ecclesiastical with the judicial power. 'Temporal magistrates,' he says, 'exercise great power over offenders who fall under the law, and compel them to follow their commands; but with us the criminal must be amended, not by violence, but by persuasion, for the laws give us no power to correct offenders; nor if they did could we employ it, as God rewards those who abstain from wickedness, not from necessity, but from choice.' The bishop had no more to do with the execution of his sentence, unless in so far as it related to the Church, than a Roman arbiter had, or an English juryman has to do with the consequences of his verdict.‡

During the first ten centuries of the Christian era, the proceedings in the courts of ecclesiastics were remarkable for plainness and simplicity. From that time they became encumbered with increasing forms and technicalities, which were copied into the lay tribunals by the clergy, who acted for the most part as advocates in the latter, being the class most occupied with jurisprudence. The increasing study of the Civil Law added not a little to the spirit of litigation during the twelfth century. In the eleventh century, Ivo X., of Chartres, embodied many fragments of the Code and Pandects in his collection of canons called the *Decretum*, which the success of Gratian's work rendered obsolete; and the zeal of the clergy in this new pursuit was animadverted upon by Councils and Fathers, and, as Du Cange remarks in his *Glossary*, mediæ et infimæ Latinitatis verbo clerici, the word was applied to all men of learning and literature. 'Hæ autem,' says St. Bernard, writing to his pupil, Pope Eugenius, at the beginning of the twelfth century, 'non tam leges sunt quam lites et cavillationes subvertentes judi-

---

* Fr. Florentis Tractatus ad c. 11 *De Jurisd. Eccl.* p. 3.

† Chrys. *Op.* tom. vi. p. 10. Eton Ed. *π. ἱεροσύνης. β. οὔτε γὰρ ἡμῖν ἐξουσία τοσαυτη παρὰ τῶν νόμων δέδοται πρὸς τὸ κωλύειν.*

‡ 'A Divo Pio rescriptum est magistratibus populi Romani ut judicum a se datorum vel arbitrorum sententiam exequantur hi qui eos dederunt.'—*Dig.* xlii. i. 15.

cium.'* The second book of the Decretals of Gregory is chiefly filled with directions for the instruction of a suit and the method of presenting it, many of which have been transcribed even to the letter, into the system of special pleading as it prevailed in our courts of common law. How completely the style of legal proceedings engrossed the attention of the ecclesiastical courts at the beginning of the thirteenth century, may be inferred from this decree of the Council of Lateran, under Innocent III., cap. 11, de Probationibus, where it is ordained, 'ut tam in ordinario judicio quam in extraordinario judex semper adhibeat aut publicam (si potest habere) personam aut duos viros idoneos qui fideliter universa judicii acta conscribant; videlicet, citationes, dilationes, recusationes, exceptiones, petitiones, responsiones, interrogationes, confessiones, tertium depositiones, instrumentorum productiones, interlocutiones, appellationes, renuntiationes, conclusiones, et cætera quæ occurrerint competenti ordine conscribenda, loca designando, et tempora, et personas:' so that Fleury remarks with truth, 'que toute la procédure moderne des cours seculières vient des canonistes et qui voudra l'éstudier curieusement doit en chercher l'origine dans les décrétales;' following Cujacius, who had said still more emphatically, that '*totus ordo judiciorum* qui ubique gentium in orbe Christiano observatur, hunc solum veluti fundum habet.' Van Espen corroborates this remark. Originally, however, as has been said, the ecclesiastical judge was an arbiter chosen by the parties. His judgment was enforced by excluding the refractory litigant from the society of Christians. In the 67th Novell, Justinian expressly says, 'Ubi autem episcopus causam dirimere vult *sine scripturâ* omnia procedant et diffinitiva sententia *sine scriptis* ab eo proferatur.' This rule the canonists limited to trifling causes, 'modicæ et viles,' which the judge was empowered to dispose of summarily; and 'de plano' where a more artificial system was introduced.

There are many obvious reasons which account for the progress of this system in Western Europe. Where the interests of the Church were not concerned, every one must have preferred the decision of men trained in legal studies,† and

---

* 'Non per lo modo per cui m'o s'affauna
Diretro ad ostiense ed a Taddeo.'
—Dante, *Paradiso*, 12—82.

And 'Per questo l'Evangelio e i Dottor magni
Son derelitti—è solo ai Decretali
Si studia—si che pare a lor vivagni.'—*ib.* 9—132.

† So the author of the *Songe du Verger* says, cap. cc.: 'Multi magis eligunt vinculum Ecclesiæ quam vinculum temporale, et ante aliquando

governed by legal principles, to that of the illiterate nobles by whom the mass of ridiculous and heterogeneous customs that went under the name of the Feudal Law were administered. The citation of the defendant, the clear and intelligible statement of the demand preferred against him in cases of debt, the distinct specification* of the land in cases where real property was concerned, the rules which marked out each stage of proceeding in a cause, and the peculiar character of each defence dilatory and peremptory, the definition and arrangement of evidence, the maxim so directly hostile to the savage spirit of the age, 'spoliatus ante omnia restituendus,'† all these rules, with many others borrowed from the Roman Law, liable as they were to the incursions of chicane, did beyond all doubt materially tend to refine and civilize Europe,‡ and to rescue its inhabitants from a condition little above that of the rudest barbarians.§ The Feudal Law did not become a science till the feudal principle was extinguished. It exhibited nothing but a heap of contradictory usages, because the charters and customs out of which it had grown were dictated only by the most narrow views of personal advantage, and were never controlled or informed by any general or presiding principle. Ecclesiastical legislation, on the contrary, preserved the rules and the traditions which had survived the inundation of the savage hordes that so long afflicted Europe. It was a complete science, with its commentators and its codes. Studied in the cloister, and extended from the courts of prelates where it was first applied to the tribunals of the laity, it mitigated evils that it could not extirpate; taught men at least 'insanire cum ratione;' and during a long and dreary period of ignorance and disorder, maintained in vigour the precious principles on which all sound jurisprudence must depend. Beaumanoir,‖ the first great writer on the customary law of France, in his important work on the *Coutûmes de Beauvoisis*, has borrowed

---

dimitterent contractus facere sine quibus non possent vivere quam se submittere curiæ temporali,' a striking testimony in the mouth of an enemy.

* Thus, in an action where land was sought, it was necessary to state how much of the land was demanded, and without it the proceeding was void; but it was not necessary to state the *causa*, as that was implied; but in the demand it was necessary to state the 'causa petendi' aliter enim respondere non tenetur.

† Antoine, *Régles du Droit Canonique.*

‡ 'Quis, quid, coram quo, quo jure petatur, et a quo.'

§ 'Et par la chûte de tant de loix il se forma partout des coutumes.' —*Esprit des Loix*, 2—11.

‖ 'L'admirable ouvrage de Beaumanoir.'—*Esprit des Loix*, xxv. c. 16. 'Cet auteur qu'on doit regarder comme la lumière de ce temps la et une grande lumière.'—*ib.* xxviii. 45.

the chapter 'Des Defenses' from the second book of the *Decretals*. Andrew Horn, who wrote in the time of Edward the First on English Law, and whose work has hardly received sufficient attention, in his third chapter, headed 'De Exceptions,' transcribes the same authority, using the very words of the Canon Law: the division of the exceptions into dilatory and peremptory; the subdivision of the dilatory; the rule that the pleader after his dilatory plea is overruled, may have recourse to a peremptory plea, but that the converse proposition does not hold, are derived from the same source. Still more conclusive testimony to the influence of the Canon Law in our own country is to be found in the text of Bracton, who wrote in the time of Henry the Third, and who is nevertheless, in consequence of his application to the study of the Roman Law, the most systematic and methodical writer we possess on English Jurisprudence. In his fourth book, fol. 187, *de Exceptionibus*, he uses the very phrase of the *Decretals*—'Sunt enim exceptiones quæ competunt contra breve et assisam differunt sed non *perimunt*;' again in the fifth Tractate of the fifth book, fol. 399, he enters more generally upon the same subject, and enumerates all the different kinds and divisions of exceptions in the canonists—*e.g.*, he remarks that a litigant, after taking a farther step, cannot go back to an objection which might have been taken at an earlier period. The words are worth quoting, as they show so complete a change in the ideas of the age, from those which had prevailed before the dissemination of the papal codes:—

'Item,' he says, 'exceptiones illæ quæ competunt contra breve quæ quidem exceptiones, si in initio litis omittantur et ad petendum visum procedatur, si tenens (*i.e.*, the defendant) illas post visum petitum velit opponere non audietur, quia per petitionem visus videtur hujusmodi exceptionibus, tacite renunciâsse.'

So Lancelot, the commentator on the Canon Law, says, pleas declining the jurisdiction ought to be alleged 'ante omnem dilatoriam exceptionem;' otherwise, 'si aliam proposuerit consensisse videatur.' Again, the custom of allowing the defendant to wage his law, that is, to produce a certain number of compurgators, persons who swore that they believed what he said to be true, is transmitted from the Canon to the Feudal Law. The fifth book of the *Decretals* (tit. 32) is headed, 'De Purgatione Canonica;' and the fifth chapter expressly points out the manner in which a priest accused of simony, against whom there was not sufficient evidence, is to purge himself—'Purgationis tenor erit hujusmodi . . . . . deinde compurgatores super sancta dei evangelia jurabunt

*quod ipsi credunt eum verum jurásse.'** This was the means taken by the Church to escape from the barbarous practice of trial by battle and ordeal.† It was employed only when other evidence was wanting. Bracton mentions the practice fol. 410, *Tractatus* v. c. 13: 'Cum comparuerint et perducant compurgatores suos,' &c.; and in the same chapter he uses the word *intentio* in the sense in which it is employed by the Canon Law, and which the recent discovery of the Institutes of Caius shows to have been part of the tradition of Roman jurisprudence that it had preserved through the dark ages: 'Proponat querens *intentionem* suam in hunc modum,' &c.

The bishops endeavoured to encroach on the jurisdiction of the secular judge, by arguments drawn from the quality of the person, from the nature of the cause, and from the multiplication of their tribunals;‡ as to persons, it was an

---

* So, the clown, says, 'If any man doubt that, let him put me to my purgation.'—*As You Like It.*

† To which the Church had always opposed itself. Honorius III., cap. 3, *De Purgatione Vulgari*, says that the Templars must be compelled to abstain from the ordeal by burning iron—'utpote quo Deus tentari videtur;'—and Gratian had before said (*Can.* xx.): 'Ferri candentis vel aquæ ferventis examine confessionem extorquere a quolibet sacri non censent canones.' The canonical purgation had been long in use. Gregory of Tours mentions it, *De Hist. France*, b. viii. c. ix. and xl., as in other places. In the *Capitularies*, lib. iii. c. ix. it is provided that men accused of conspiracy 'jurent cum idoneis juratoribus hoc pro malo non fecisse;' in the Salic Law, 50 tit., they are called 'conjuratores,' and in the *Capitularies*, c. lii. and lxii. lib. v. Sacramentales, 'Quod si negare voluerit cum duodecim Sacramentalibus juret.' The compurgator held up his hand as a sign of sincerity, a practice still retained in our courts of justice; hence, in the old laws, nothing is so common as the phrase 'manu quintâ, manu sextâ, duodecimâ, &c. se purgare.' Innocent III., in the tenth chapter of the book cited, orders a dean to clear himself by the oaths of fourteen witnesses of his own class ('purgationem ei quartæ decimæ manus, sui ordinis duximus indicendam'). It was employed only when other evidence was wanting, and was not half as mischievous as our Special Pleading.

‡ 'Attendentes quod laicis . . . . super ecclesiis et ecclesiasticis personis nulla sit attributa potestas; quos obsequendi manet necessitas.' —Innocent III., *De Constitutionibus*, i. ii. x. 10. The principle was fully admitted by Frederic II. himself, *Authentic Statuimus. c. de Episcopis et Clericis*, i. 3. *Cœlestinus* iii. ii. i. 10. 'X de judiciis a nobis fuit, quæsitum utrum liceat regi vel alicui sæculari personæ judicare clericos cujuscunque ordinis sive in furto, sive in homicidio sive perjurio seu quibuscunque fuerint criminibus deprehensi, consultationi tuæ respondes quod si clericus, fuerit in crimine deprehensus legitime atque convictus ab ecclesiastico judice deponendus est, qui si depositus incorrigibilis fuerit excommunicari debet,' &c. Bracton says that degradation was the only punishment that could be inflicted on a priest for his first offence, be it what it might.

established principle that the clergy were not amenable to lay tribunals, and, accordingly, the number of those entitled to the privileges of the clergy was multiplied beyond all reason, in spite of the express provisions of the Council of Chalcedon. To such an extent was this abuse carried, that the Council of Vienna was obliged to forbid persons in holy orders from keeping inns, or following the trade of a butcher. Besides, the privilege was extended to the servants and 'familiares,' as they were called, of clergymen; and thus it was in the power of bishops to withdraw as many persons as they pleased from all secular jurisdiction. Another curious illustration of the gross ignorance of the laity, and of the shameless manner in which it was turned to account by the clergy, is this:—Widows and orphans were considered as the special objects of episcopal care among the early Christians. On this the Church founded a right of interfering to ascertain the rights of widowed queens, and of monarchs during their minority. This doctrine was extended to pilgrims, and to all crusaders, the property of whom was under the special care of the Holy See. Descending still farther from their lofty objects—

> modo reges atque tetrarchas
> Omnia magna loquens, modo—

it took the leper under its protection, as set apart from the rest of the community. There are few classes of persons who would not be included in this comprehensive scheme.

As to causes, they were so multiplied as to bring persons avowedly laymen under ecclesiastical cognizance, and this with but faint opposition from laymen themselves in most countries.* Alphonso of Castile, in the middle of the thirteenth century, gave cognizance to the spiritual tribunals over usury, adultery, sacrilege, and the *status* of persons. The oath with which many contracts were ratified was a pretext for bringing them under the same category. The sacrament of marriage drew along with it questions of dowry and jointure, of adultery and the legitimacy of children. As it was taken for granted that no Christian could make a will without leaving some part of his substance to pious purposes, many councils required that wills should be made in presence of the clergyman of the parish, and that the bishop should see to their execution. Hence flowed the right of administering the property of the deceased; acts that in the eye of the Church were crimes, became another fruitful source of jurisdiction. Some of these crimes were directly hostile to religion, as heresy,

* Giannone, Lib. 14, p. 330, c. 3.

schism, and sacrilege; others, like usury and concubinage, were not generally forbidden by any temporal law. Over these the clergy pretended to an exclusive jurisdiction, calling upon the temporal power to assist them in the capture of the criminal and the execution of the judgment; and as heresy, conformably to the Canon Law, involved the loss of property, right, and—in the case of sovereigns—of dominion, it was the charge always alleged against those whom it suited the purpose of the Roman See for any reason to destroy.

This was the flame that devoured the stem of Hohen Stauffen, and changed the pleasant land of Languedoc into a scene of carnage and desolation. Wherever it fell, nations and their rulers were as fuel to it, and no man spared his brother. Hohen Stauffen, Plantagenet, Valois, bent in their evil days like reeds before the tempest which the denunciation of heretic awakened, or were rooted up by its violence—

> As when the potent rod
> Of Amram's son . . . .
> . . . . . up called the pitchy cloud
> That o'er the land of impious Pharaoh hung
> Like night, and darkened all the land of Nile.

And when Europe slowly wakened, as from a hideous dream, from the tame and easy trance of servitude by which her faculties had been so long benumbed—when the sword of the warrior and the axe of the headsman were no longer swift to execute the vengeance of the Papal See—the dagger of the assassin, and the rage of mobs exasperated to frenzy, destroyed those who had set its menaces at defiance, and at whom it pointed its revenge;* so perished the last scion of the house of Valois, so fell the first and greatest of the Bourbons, so thousands of victims were swept from the face of the earth in the wholesale massacre of St. Bartholomew.

Thirdly, the multiplication of judges was another means of extending ecclesiastical jurisdiction. The bishops of large dioceses established deputies in all the principal towns; archdeacons had their officers, and so had deans and chapters, in their particular districts. These again had delegates and subdelegates. The jurisdiction which had once been exercised from motives of charity, became a cover for the indulgence of the most rapacious avarice. Lawsuits, that it was the boast of the early Church to prevent or to terminate, were prolonged by all the prevarication and artificial aid which chicane could suggest to the most cunning of mankind, sharpened by a desire

---

* By those who, if they did not actually fill the chair of St. Peter, represented the Gregorys and Innocents.

of gain that no profit could quench, and a lust of power that no temporal influence short of absolute dominion could satisfy; while the superstition and ignorance of the laity caused them to submit to these monstrous abuses, devised to slake the ever-burning thirst for gold and rule in men calling themselves the delegates of Him who came on earth to teach humility by His precept, and poverty by His example.

Besides the particular precepts which have been alleged, a more comprehensive and sweeping cause of jurisdiction was discovered in the sin necessarily committed by one of the litigants.* All sin fell under the cognizance of the Church, which, by reason of the power entrusted to the keys, could alone judge whether the sinner should be bound or loosed.†

The corollary was that the Bishop was judge of all disputes that arose within his diocese, and the Pope of all wars between sovereigns. Absolution was only given on payment of the costs and fees of courts of justice; and the aid of the temporal magistrate was invoked to enforce the consequences of excommunication,—or, in other words, the payment of the fees due from him who had incurred it. Lord Bacon indignantly protested against this abuse of so awful a sentence. 'Can any man,' says he, 'defend the use of excommunication as a base process to lackey up and down for duties and fees, it being a precursory judgment of the latter day?' Nevertheless, it was the law of England in the nineteenth century. Indeed the principle laid down, c. 19, *De foro competenti*, that the ecclesiastical judge might supply any defect in the sentence or proceedings of the civil judge, is in fact, as Van Espen remarks, vol. i. p. 253, tantamount to a declaration that all lay tribunals are dependent on the ecclesiastical jurisdiction. Meanwhile, the menace of temporal punishment became part of the formal and regular style of the Papal Bull.‡ Then were

---

* 'Clerici trahunt causam feodorum in curiâ Christianitatis propter hoc quod dicunt, quod fiduciæ vel sacramentum fuerunt inter eos inter quos causa vertitur et propter hunc perdunt domini justitiam feodorum suorum' ordonn.—Philip Augustus.

† 'Cum enim non humanæ constitutioni, sed divinæ potius innitamur quia potestas nostra non ex homine sed ex Deo. Nullus qui sit sanæ mentis ignorat quin ad officium nostrum spectet de quocunque mortali peccato corrigere quemlibet Christianum.'—*X. de Judiciis*, i. i. 13.

‡ One of the grandest passages in our language turns upon this abuse of excommunication. Milton, *Reformation in England:* 'He that is rightly and apostolically sped with her invisible arrow, if he can be at peace in his soul, and not smell within him the brimstone of hell, may have fair leave to tell over all his bags undiminished of the least farthing—may eat his dainties, drink his wine, enjoy his lands and liberties, not the least skin raised, not the least hair misplaced, for all that excommunication has done,' &c.

added confiscation of property, brands of infamy, nullity of acts, prohibition of intercourse, specimens of which may be seen in the bulls launched at those states—such as Venice, Florence, or England—that had incurred the displeasure of the Roman See. These encroachments provoked retaliation. The study of the Civil Law put weapons into the hands of the laity, as we may see by the loud complaints of councils during the fourteenth century. The animosity between the lay and secular courts rose to such a pitch, that in the celebrated bull, *Clericis Laicos*, Boniface VIII. declares that all laymen bear an inveterate antipathy to priests. In 1287, an ordonnance commands the nobles to choose their judges from the laity. The reason is given—'Ut si ibi delinquant, superiores possint animadvertere in eosdem.'

During the twelfth century, we know from the letters of Peter of Blois, Bishop of Chartres, ep. 25, that France was covered with these officers, whose sole purpose was 'ut ad opus episcopi sui, suæ jurisdictioni commissas oves miserrimas quasi vice illius tondeat emungat et excoriet.' He says their business was 'jura confundere suscitare lites, transactiones rescindere, innectere dilationes, supprimere veritatem, fovere mendacium, quæstum sequi, æquitatem vendere, inhiare exactionibus, versutias concinnare.'*

'Bonne† chose et profitable' it is, says Beaumanoir, chapter xi., 'et selon Dieu et selon le siècle que cux qui gardent le justice spirituel se mélassent de ce qui appartient a l'essentualité tant seulement et laisassent justicier et esploiter à le laie justice les cas qui appartiennent a le temporalité.'

St. Louis, with the wisdom which, as much as saintly goodness, was his characteristic, endeavoured to prevent the evils which arose from the violent seizure of goods by the temporal, and the immediate appeal to excommunication by the ecclesiastical power. The mixed causes‡ were the chief theatre of the struggle, and this is the difficulty which Beaumanoir§ encounters in the chapter I have cited. 'Les bornes,' says

---

* *Mirrour des Justices*, l. iii. c. 4.

† Chaucer's *Monk's Tale*.

‡ 'Quæcunque causa cui quid spirituale vel Ecclesiasticum videbatur immixtum ad idem spectare videbatur.'—Van Espen, lib. iv. p. 5, fol. ed. Mornac says distinctly, 'Inde eminuit per longas ætates unum pene ac solum in universâ Galliâ, forum Ecclesiasticum, eviluitque toto illo tempore quasique emarcuit, jurisdictio regia.'

De Marca says, 'Adeo vicinæ sunt ambæ (spiritual and temporal power) ut difficile sit etiam prudentissimo cuique fines controversos dirimere.'—*De Concordiâ*. Sacerdotii et Trupeni cit. apud Van Espen, iv. p. 32, note.

§ *Etablissemens*, liv. i. c. xv. xviii. lxxxiv. lxxxv. lxxxvi. cxxiii. cxxv.

Montesquieu, 'de la jurisdiction écclésiastique et de la seculière étaient très peu connues dans ces temps là.' For instance, he says in matters of contract, laymen might, if they pleased, take their case before an ecclesiastical tribunal which could enforce its sentence by excommunication.

The same advocates pleaded in either court. At last, the royal authority, borrowing the ecclesiastical forms, took away much of the ecclesiastical jurisdiction, and thus applied a remedy to evils which, as Montesquieu remarks,* were really intolerable. The confusion of the external with the internal forum brought every action of life under ecclesiastical authority.† Morini attributes the distinction to the scholastic theology then prevailing; he says, 'Forum pœnitentiale in praxi separari cæptum est a judiciali.'‡

Among the other causes which fell under ecclesiastical cognizance, the right of deciding upon wills was that which they retained for the longest time, as their appropriate and peculiar attribute. The sanctity with which the Romans, from the earliest times, regarded the will of a deceased citizen, is well known. It was common for them to deposit these instruments in temples, under the care of the priest. 'Proinde et si custodiam tabularum ædituus vel tabularius cessit, dicendum est, eum teneri interdicto.' *Dig. de Tab.* exp. 3 § 3.

It was also common in later times for the Christian Emperors to assign specially to bishops the care of wills, and the task of executing the injunctions of the deceased. (See *l.* 28 *Cod.* 'De episcopis et clericis.') Hence it became the common practice among Christians. Ammonius de Gestis Francorum, lib. iv. c. 30, says that Dagobert left four originals of his testament, 'e quibus unum Lugduno in Galliâ, aliud Parisiis, tertium Mettis in archivis ecclesiarum dirigi voluit.' The custom thus established obtained more and more throughout Europe, and from the chapter De Testamentis in the *Decretals* it is clear, especially from the decisions and answers of Alexander III., Innocent III., and Gregory IX., 16 and 18, that questions of all kinds on this subject were indiscriminately referred to the decision of the Holy See. Once incorporated with the *Decretals*, their decisions became part of the Common Law of Europe; and in the twelfth century Alexander III., by a law addressed to the Bishop of Ostia, cap. 10, rejecting and cancelling the rule of the Civil Law, which required seven witnesses for the validity of a will, enacted, under pain of excommunication, that wills made in the presence of the parish priest and

* 'En effet ils (les abus) étaient intolérables.'

† 'Eo tempore forum externum conjungebatur interno.'—Van Espen, vol. iv. p. 46.

‡ Lib. i. c. ix. n. 6 *De Administ. Sacr. Pœnitent.*

two or three competent persons shall be valid. This was, no doubt, the origin of our law, by which, down to the last year of William IV., three witnesses were required to establish a will of landed property. Nothing can more plainly show the authority of the Holy See in such matters than the fact that the law of Europe was changed in conformity with this decree.

Among the articles of the celebrated complaint brought by the nobles of France against the bishops before Philip of Valois, by Pierre de Cugnères, it is specially mentioned (Art. 64 and 65), 'item volunt judices ecclesiastici inventaria facere de bonis illorum qui ab intestato decedunt; voluntque bonorum tam mobilium quam immobilium possessionem habere et ipsa per manus eorum distribui hæredibus vel illis quibus volunt conferre . . . . item testamenta volunt per manus quoque suas executioni tradere,' &c. Nor do the bishops deny this, but assert that they are, 'tam de jure scripto quam de consuetudine speciali,' the executors of wills.

Testaments then were the channel through which the ideas of Roman jurisprudence penetrated into the German customs.* According to the prevailing notions of the age, it was a sin for a Christian to die without bequeathing a legacy to the Church, and priests were commanded to inculcate this duty on their penitents, as the goods of those who died without confession were forfeited to the king or lord of the manor. The clergy had it in their power to refuse absolution, the last sacrament, and Christian burial, to those who refused compliance with their injunctions; and hence the phrase to die without confession (déconfés, inordinatus, sine lingua), was tantamount to dying without a will.† In order to avoid these consequences, it was not uncommon for the heirs, in concert with the ordinary, to make a will in the name of the deceased, and so to appease the resentment of the clergy. So Matthew Paris, A.D. 1190, tells us, 'ut rerum quæ in testamento relinquebantur distributio auctoritate ecclesiæ fieret.'

---

* Eichhorn, *K. R.* clxxxii., says that the time when the Canon Law became the common law of Germany, was about the thirteenth century. The Schwabenspiegel only borrows from it on ecclesiastical subjects.

† 'Item discimus de illo qui moritur intestatus, si jacuerit in lecto ægritudinis per tres dies vel quatuor omnia mobilia ipsius domini Regis debent esse aut illius in cujus feodo terra est, et sicut de illo qui se interfecit spontaneus.'—Duchesne, Normann: 1052. *Etablissemens de St. Louis*, i. lxxx. Duchesne, *Vox Intestatio. Siete Partidas.* xiii. 6. *Esprit des Loix*, xxviii. xli.: 'Tout homme qui mouroit sans donner une partie de ses biens a l'Eglise ce qui s'appeloit mourir déconfés etoit privé de la communion et de la sépulture.'

'Nous connaissons ces abus par les arrêts qui les reformèrent—l'epaisse ignorance les avait introduits, une espèce de clarté parurent et ils ne furent plus.'

It was long before the Parliament of Paris could succeed in reforming these abuses, and give the right of burial to those who had died without confession. A system which the Church had moulded was naturally considered as its exclusive province. Disputes on legacies fell, of course, to the ecclesiastical tribunals, the courts established in every diocese. It was only where questions of real property were concerned* that the nobles sought to assert, and as they were backed by the royal power, finally succeeded in establishing, their jurisdiction. These officialities, then, were the bridge over which the ecclesiastical forms passed into the civil courts, and were incorporated with the practice of secular tribunals. During great part of the middle ages, the clergy were the only advocates; what could be more natural than that they should employ before lay tribunals the forms and method of proceeding which were the basis of all transactions in their own? And when the study of the Canon Law became a passion, how powerfully must this have aided the progress of their influence! When once the system was established in an important district,† it was supported by all the official hierarchy, and in the domain of form it had no formidable resistance to encounter. The feudal oak had struck its roots too deeply into the soil to be soon eradicated, and the interests of all the nobles, from a Duke of Burgundy to the lord of the most inconsiderable fee, hindered any alteration in the material substance of the feudal doctrines; but even the rudest and most selfish of that brutal aristocracy would find nothing to complain of in the forms which ascertained his rights, and were a security against their violation. In England these forms were modified by the institution of juries, which their authors found established, and to which they were obliged to adapt the method of their proceeding. The most perfect system that man has ever discovered for the purpose of bringing disputed facts under the consideration of a jury, is that revealed to us in the Institutes of Caius.

---

* Beaumanoir ix. Ordonnance of Philip the Fair: 'Quod non impediantur dicti prælati de testamentis legatis vel fidei commissis dotibus aut dotaliciis cognoscere veruntamen in quantum testamentum legatum vel fidei commissum realem tangat actionem vel hereditatis petitionem, vel si dos aut dotalicium ad personale servitium teneatur cognitio hujus ad sæcularem dominum pertinebit.'

† As to the profits of the Church, see the speech of the Archbishop of Sens and the Bishop of Autun, at the conference held before Philip of Valois, on Ecclesiastical Jurisdiction, 15th of December, 1329. Preuves des Libertés de l'Eglise Gallicane. As to the diminution of the profits of the feudal lords from these encroachments, Beaumanoir (c. xxvii.) says, 'Car justice si couste mout souvent à garder et à maintenir plus qu'elle ne vaut.'

It rendered surprise or technical mistake impossible, but that, although, as we glean from the occasional use of the words 'exceptio intentio,' &c., the traces of it were still to be found in the jurisprudence of the West, had become obsolete even before the downfall of the Roman Empire; neither would a system so adverse to chicane have answered the purpose of the litigious and wily Normans, or of the Freshfields, by whom, or by whose favourites in and out of the Exchequer, our law has in fact been moulded. Accordingly the system of special pleading was invented, and grew up by slow degrees to the gigantic absurdity which made the law of England a byeword among foreign countries, and a scourge to native suitors, and which even now, though thanks to Lords Brougham, Denman, and Campbell, some of its more startling and shocking abuses have been removed, is not altogether swept away.

The first serious attack in France on the ecclesiastical jurisdiction was made by several nobles in the year 1246. Of this event Matthew Paris has preserved the account. They drew up a remarkable document, stating that whereas the kingdom of France had not been won by written law, nor by the arrogance of priests ('per clericorum arrogantiam'), but by military labours, they forbade any layman or priest to take any cause before an ecclesiastical tribunal, 'nisi super hæresi vel matrimonio vel usuris,' on pain of mutilation, and the forfeiture of all property by the offender; and they appointed four delegates, the Duke of Burgundy, the Earl of Bretagne, the Earl of Angoulême, and the Count of St. Pol, to watch over the execution of this decree. Matthew Paris adds that the Pope was greatly alarmed by this proceeding, and contrived by donatives and indulgences to detach many of the nobles from this confederacy.

The discordant views of the secular and ecclesiastical authorities, which were now wrestling with each other, are no where portrayed in more vivid colours than in a work of great ability and reputation, written about the year 1376, by a person whose name is unknown, and entitled the *Songe du Verger; or, Somnium Viridarii,** dedicated to Charles V. of France. It is a dialogue between a knight and a priest, on the limits of the temporal and spiritual power; and the second part gives a very full account of the course and origin of canonical procedure.

Among the works which prove the influence of the Canon Law, and the manner in which it was interwoven with Roman juris-

* Printed under an erroneous name. Goldast, vol. i. p. 85. D'Aguesseau, vol. xv. 145, *Monument de l'Ancienne Tradition de France sur la Distinction des deux Puissances.*

prudence in the thirteenth century, the most celebrated is the volume called *Speculum Juris*, composed by William Durantis.* He was born A.D. 1237, at Bézières, and educated at Bologna. His work was given to the world A.D. 1272, and it contained the result of all his long experience. He obtained from it the name of 'Pater Practicæ,' and it would be difficult to overrate the effect of such a work on French jurisprudence. If we reflect that at the time when this volume, which in point of wisdom would not have disgraced Ulpian, was written, trial by battle was common in the country where it was produced, we may conceive the motives which, in spite of their ambition and avarice, made priests so long the legislators of reviving Europe. The chapter, for instance, 'De Actione,'† might be a guide, and a luminous guide, to our courts of justice at the present hour. It states all that the statement of the cause of action ought to contain clearly and concisely; it enumerates the different kinds of action, and explains the different degrees of accuracy required in each; and all the positions advanced are supported by references which show the most intimate knowledge of the Roman Law.

The vexatious consequence of the appeals to Rome may be judged of from the remarkable canon, *Decret.* ii. tit. 1, c. 17, in which Innocent enjoins especially the prelates to do justice to the laity—'Non obstantibus appellationibus frustratoriis quas in eorum gravamen clerici frequenter opponunt'—lest a defect of justice should cause laymen to take the clergy before secular tribunals‡—'Quod omnino fieri prohibemus.' Another canon, cited in the note, shows that the abuses complained of by Archbishop Hincmar in the ninth century were rank and flagrant in the thirteenth. Even this canon concludes with a reservation of the 'majores causæ,' 'Salvis constitutionibus de majoribus causis ad sedem apostolicam referendis.' 'What these 'majores causæ' were,' says Van Espen, 'is not so clear; indeed, before the false *Decretals*, this doctrine of reserving more important causes for the decision of the Roman See was altogether unknown.' Even this limitation was little regarded. Every bishop was bound to the Roman See by an oath which

---

* Called often *Durandi* by mistake.

† Lib. ii. pt. i. p. 7.

‡ Lib. ii. tit. xxviii. c. lix.: 'Ut debitus honor deferatur judicibus et litigatoribus consulatur super laboribus et expensis, statuimus ut siquis coram idoneo judice convenerit adversarium, ille ante sententiam ad superiorem judicem absque rationabili causâ non provocet.' Notwithstanding he may have sent a messenger to the superior judge, or have obtained letters from him.

See Cujacius, *Comment.* 7 Lib. cod. vol. ix. p. 1103.

imported absolute vassalage,* and the popes, as it seemed good to them, extended their jurisdiction over all causes, great and small.† Thus they could restrain the power of the diocesan within such bounds as they thought proper; and besides the more usual powers which they exercised, they claimed another class of extraordinary rights depending on this special reservation.‡ In this manner all the encroachments of the bishops on the authority of the temporal judge were turned to the benefit of the Court of Rome. The bishops were no more considered by the popes as their brethren and fellow-labourers, but as their vassals and their delegates. To the Pope alone belonged the power of legislation. To him alone could an appeal be made from any tribunal, from any sentence, at any stage of the proceedings.§ Thus the authority of the bishops, which might have been exercised so beneficially for mankind in those rude ages, served only to aggravate the disorder and confusion which prevailed. This system entailed the necessity of deciding upon written evidence; accordingly, the 38th canon—cap quoniam, 11, x De Probationibus—provides that the judge shall always have one or two persons to transcribe *Omnia Judicii Acta*, and that copies of these proceedings should be given to the litigants. These *Acta* are then enumerated, and they are so numerous as to justify the remark of Cujacius, 'Quantis se sumptibus vexent qui lites sequuntur.' This canon, with the preceding one and the five that follow it, furnishes the most conclusive proof that all the fountains of the great deep of litigation were opened by the canonists.

'Thrice every week,' says the writer of the acts of Innocent III., 'he presided in the consistory, in which, leaving inferior causes to others, he investigated the greater ones himself—'Tam subtiliter et prudenter ut omnes super ipsius subtilitate et prudentiâ mirarentur, multique litteratissimi viri et jurisperiti Romani ecclesiam frequentabant;'' and again he says,

---

* *De Translatione Episcopi*, X. i. vii. 2.

† *X. de Appellationibus*, ii. xxviii. xi. 1180, Alex. III. 'De appellationibus pro causis minimis interpositis volumus te tenere quod eis pro quâcunque et quantaque levi causâ fiant, non minus est quam si pro majoribus fierent deferendum.'

‡ *Extr. Comm. de Præbendis et Dignit. Bon.* viii. 1295. Innocent, *Epist.* lib. i. ep. 350, apud Eichhorn, p. 196: 'Sic apostolica sedes inter fratres nostros et coepiscopos dispensavit oneris gravitatem. . . . . ut nihil sibi subtraheret de plenitudine potestatis quo minus de singulis causis Ecclesiasticis inquirere possit et cum voluerit, judicare.'

§ Beaumanoir: 'Ci appel doit être fait en montant de degrè en degrè sans nul seigneur trépasser.' This was the rule in lay tribunals, 'mais il n'est pas ainsi à la cour de Chrétienté qui vient, *car de quelque juge que ce soit*, l'en puet appeler a l'apostole.'—*Cont.* clxi.

'Causes were brought *de toto orbe*, so that he decided more causes than had been terminated by the Roman Church for many centuries.' 'There was scarcely,' says another writer, speaking of the double election of Philip and Otho IV. to be king of the Romans, 'a bishopric, or an ecclesiastical dignity, or even a parish church, which was not brought into litigation, and concerning which the cause was not brought to Rome, 'sed non manu vacuâ.' 'Gaude,' he continues, 'mater nostra Roma quoniam aperiuntur cataractæ thesaurorum in terrâ . . . ad te trahit homines non ipsorum devotio aut pura conscientia, sed scelerum multiplicium perpetratio et litium decisio pretio comparata.'* As the emperors preserved their rescripts in 'scrinia,'† so did the pontiffs of Rome preserve theirs in archives, which, in the horrible jargon of that semi-barbarous age, were called 'Regesta,' or 'Registra.' Innocent III. was trained in the school of Bologna, which was the most renowned seminary of Canon and Civil Law in Europe.‡ He was profoundly versed in both these studies, and hence was able to apply the principles of Roman jurisprudence to the cases brought before him, and thus to engraft them on the stock of the Canon Law.

Many examples of this are to be found in his *Decretals;* and Franciscus Florens§ has observed, that especially the *Decretal* 'Super Litteris'‖ was drawn up to reconcile the conflicting opinions of the interpreters on the l. 1, 2, and 5 of the Code 'Si contra jus vel util,' &c. In this *Decretal* it is provided that rescripts obtained from the Holy See 'tacitâ veritate vel suggestâ falsitate,' are not to be regarded. Most of the decisions of this pontiff, which are contained in the second book of the *Decretals*, and prescribe the method of legal process, or, as it is called, the 'ordo judiciorum,' as well as those in the third book, which relate to contracts, and wills, and successions 'ab intestato,' are deduced from the Civil Law. But Innocent was not only a great lawyer, but a great master of scholastic theology as it was taught in the schools of Paris, where he had pursued that study. His intimate knowledge of this subject appears in many of the *Decretals*, and especially in that cap. 1, x., 'De Summâ Trinitate.'¶ It is remarkable that Innocent

---

* Cit. Ap. Van Espen, vol. viii. p. 202.

† Montesquieu, *Esprit des Loix*, xxix. c. 17.

‡ 'Dottissimo in Giurisprudenza,' Giannone, Lib. xv. c. 4, p. 367.

§ *Flor. Op. Jur.* p. 89.

‖ 20 *X. De Rescriptis.*

¶ See also his condemnation of Abbot Joachim (cap. vi. and iii. X. *De Celebr. Missarum*, cap. iii. X. *De Baptismo*), in which, of three opinions as to the Eucharist, he selects as the most probable that which affirms 'aquam cum vino in sanguinem transmutari ut expressius eluceat proprietas Sacramenti.'—Baronius, *Ann.* 1192.

should have ordained that the litigants should themselves explain their cause, 'Ut principales personæ (id est actor et reus) non per advocatos sed per se ipsos factum proponant nisi forte sint adeo indiscretæ ut earum defectus de judicis licentiâ per alios suppletur.'* 'Utinam,' says Cujacius, in his commentary on this decree, 'servaretur lex hujus capituli.' The Canon Law repeated the enactment in the *Code de Judiciis*, l. 14–1, that no advocate should undertake a cause without swearing that he believed it to be just,† and that if in the course of proceedings he discovered it to be unjust, that he should abandon it at once.

The system of Papal usurpation is curiously illustrated by the progress of the claim to dispose of Church preferment arrogated by the Holy See, as a consequence of its universal bishopric. In A.D. 1145, Adrian IV. began to recommend spiritual persons to preferments. These letters commendatory were at first called *Preces* by the Pope himself; and as they were frequently disregarded by the bishops and chapters to whom they were addressed, they were changed into 'Mandata.' Alexander III. went so far as to send 'executors' to superintend the fulfilment of his commands. Innocent III. laid down in plain terms the doctrine that the Pope, 'de plenitude potestatis,' had the full right to dispose of all benefices in favour of meritorious persons, and to confer them himself; and he extended the same power to his legate.‡ Whenever a prelate died at Rome, an event which the multitude of appeals from all parts of the globe made very frequent, a successor was sent to the bereaved church, 'in consolationem de obitu defuncti.' Clement IV. extended this doctrine to all holders of benefices.§

In Germany, the struggle between the popes and the emperors was prolonged for two hundred years. The popes, during the greater part of this contest, which ended by turning Germany into an elective kingdom,‖ had public opinion on their side. The princes were anxious to shake off the authority of the Emperor. The object of the Pope was to make the ecclesiastical power independent. Both acted in concert, and the choice of Rodolph of Hapsburg put an end to the principle

---

* *De Judiciis*, X. iv.

† Van Espen, vol. iv. p, 273; vol. viii. p. 257.

‡ X. 1, 30, 6.

§ 6to. 3, 4, 2. 'Collationem ecclesiarum, personatuum, dignitatum, et beneficiorum apud sedem apostolicam vacantium, specialius cœteris antiqua consuetudo Romanis Pontificibus reservavit.'

‖ This was a great object with the popes. Innocent III., in the canon 'Venerabilem,' says that if Philip is King of the Romans, 'videretur imperium non ex electione sed ex successione deberi.'

of hereditary succession to the Imperial crown.* This was an indirect recognition of the paramount authority of the Papal See. This was a claim never admitted by the emperors, and only supported up to a certain point by public opinion. The exact limits of the Papal supremacy were left in an undefined and ambiguous state, which, according to the Homeric line, that a mist suits the robber's purpose better than night itself, corresponded very well with the designs of the Roman See. The right of crowning the Emperor gave plausibility to its pretensions in the eyes of the multitude, and what was intended to be a mere ceremony was gradually transmuted into a substantial right.† Again rhetoric was turned into logic. Indeed, the arguments in the *Decretals* justify that or any other usurpation. 'Who knows not,' says Gregory VII., when justifying the deposition of Henry IV. of Germany, 'the word of the Lord, saying thou art Peter; feed my sheep? Is there any exception in favour of kings, or are they not among the sheep whom the Son of God committed to the care of Peter?' These principles are laid down and reasoned upon in the famous Canon *Venerabilem*,‡ one of the most remarkable documents that ever issued from the Roman See. It breathes all the long-hoarded rancour of that hatred which at last destroyed the mighty race of Hohen Stauffen. It was issued on the election of Philip Duke of Swabia, son of Frederic I., to be King of the Romans, in preference to Otho Duke of Brunswick, son of Henry the Lion, and nephew of Richard Cœur de Lion:—

> If the princes of Germany, whether they agree or whether they disagree, choose to elect for their king a sacrilegious tyrant, an excommunicated wretch, an idiot, a heretic, or a pagan, are we bound to anoint, to consecrate, or to crown him? The impediments to the choice of the Duke of Swabia are notorious—public excommunication, manifest perjury, the well-known persecution which he and his ancestors have inflicted on the Roman See and other churches.

Then after saying that Philip, in becoming a candidate for the empire, had violated his oath, and that, whether the oath was lawful or not, the Holy See alone had power to absolve him from it, the epistle proceeds with true ecclesiastical bitterness to

---

* 'Hoc etiam ibi consensu communi comprobatum Romani Pontificis auctoritate est comprobatum ut Regia potestas nulli per hereditatem, sicut ante fuit consuetudo cederet.'—Burn's *Hist. Belli Sax.*, cit. apud Eichhorn. *Deutsche Staat und Rechtsgeschichte*, v. ii. p. 103, s. 231.

† 'Ut ad eum examinatio personæ pertineat, ad quem impositio manus spectat,' 1, 6, 34 X.

‡ 1, 6, 34 X.

enumerate the offences of Philip and his forefathers against the Papal chair :—

That Philip comes from a race of persecutors, the electors, we imagine, cannot doubt, since Henry, the first emperor of his race, imprisoned our predecessor Pope Paschal and his cardinals; and his father, Frederic, headed the schism against our predecessor Alexander, &c. Again, if the said Duke were to obtain the empire, and to succeed his brother as his brother succeeded his father, Germany would be an hereditary instead of an elective crown.

The epistle ends by commanding the Duke of Carinthia, 'non obstante juramento,' to abandon the cause of Philip. This canon especially drew down on the Papal pretensions the searching and irresistible logic of our illustrious countryman, William Ockham,* a man fit to stand by the side of Luther, and who wanted nothing but a better age to obtain one of the most splendid names in modern history. He was the great champion of intellectual freedom during the latter part of the thirteenth and the beginning of the fourteenth century. He puts the argument for the ecclesiastical power into the mouth of the Clericus in his dialogue: that for the temporal authority is supported by Miles.† 'Negatis O Miles ecclesiam cognoscere de Peccato? . . . Hoc absit Si quid injuste agitur peccatum est et qui habet cognoscere de peccato, cognoscet de justo et injusto cum ergo justum et injustum in negotiis rerum temporalium sit, consequens etiam est, ut de rebus temporalibus debeat judicare.' Again: 'Relinquitur Romanum Pontificem etiam casualiter exercere Pontificale Judicium in quemlibet Christianum cujuscunque conditionis existat, maxime ratione peccati.'‡

The whole work, of which I have only cited an extract that states the claims of the Roman See, well deserves attention, not only as one of the most remarkable monuments of mediæval literature, but as a striking proof of intellectual vigour and moral fortitude, without reference to any particular age or country.

This speech of the Clericus is exactly the language of the famous Decretal *Novit*,§ in which Innocent III., grounding his pretensions on the passage of Matthew xviii. 15, and on the words 'Die Ecclesiæ,' asserts his right to terminate the dispute between Philip Augustus and John King of England, after

---

* *E. g.*, This passage, *Dialogus* c. 94, apud Goldast, v. ii. p. 616.
Discipulus. Quibus credet populus nisi prælatis ecclesiæ?
Magister. Respondetur, Quod populus magis credet Scripturæ divinæ, quam omnibus clericis.

† *Gul. Ockhami de Potest Ecc. et Sec.*, Goldastus v. i. p. 14.

‡ *Occam octo Quæstiones* cap. 10, apud Goldastum v. ii. p. 325.

§ *Decret.* ii. p. 13; Cujacius, vol. vi. p. 775.

the murder of Arthur. 'We do not intend to judge as to the feud,' says the canon, 'but to pronounce as to the sin, 'Non enim intendimus judicare de feudo,—sed decernere de peccato,' of which, beyond all shadow of controversy, the decision belongs to us. 'Quum enim non humanæ constitutioni sed divinæ legi potius innitamur quia potestas nostra non est ex homine sed ex Deo, nullus qui sit sanæ mentis ignorat quin ad officium nostrum spectet de quocunque mortali peccato corripere quemlibet Christianum et si correctionem contempserit ipsum per districtionem Ecclesiasticam coercere.' And as a treaty has been settled between the kings, corroborated by an oath from each, how is it possible that we should not take cognizance of the sanctity of an oath, which undoubtedly belongs to the judgment of the Church, in order to restore the violated covenants of peace? Therefore, unless the King enters into a binding peace with John, or into a sufficient truce, or at least humbly allow the matter to be referred to the aforesaid Abbot and the Archbishop to decide what justice there is in the complaint of the English monarch, or whether his defence (exceptio) is righteous, we command our legate to proceed to the execution of our decree, according to the form we have prescribed*—*i.e.*, to lay the kingdom under an interdict. So in the fourth book of *Decretals*, tit. i. c. 11, we find Alexander III., at the request of Louis King of France, commanding Henry II. King of England, under pain of an interdict, to restore his daughters-in-law to their husbands, then in open rebellion against their father.† Boniface, in his dispute with Philip le Bel, declared that he would call a council to inquire into all the wrongs of the churches, nobles, and commonalty of the realm of France;‡ but he found to his

* Matthew Paris has preserved the account of this proceeding, one of the most important in the history of our early kings. He flings it into a dramatic form, and represents the Pope as the advocate of John, against the deputies of Philip Augustus. The first charge was 'quod Arturum nepotem suum propriis manibus per proditionem interfecit pessimo mortis genere quod Angli 'murdrum' appellant. Pro quo facto idem Rex condemnatus fuit ad mortem in curiâ Regis Franconum per judicium parium suorum.' To which the Pope replies that he could not be so condemned, 'quia sit rex unctus;' and at last, in support of his vassal, this representative of Divine Justice says, 'Cum Arturus apud Mirebel castrum non ut innocens sed quasi nocens et proditor domini et avunculi sui . . . . captus fuerit potuit de jure morte etiam turpissimâ *sine judicio condemnari*.'—Broussel, *Usage des Fiefs*, p. 330.

† *De Judiciis*, x. 13.

‡ 'Super excessibus culpis, insolentiis, injuriis atque damnis quæ prælatis ecclesiis inferuntur ac etiam paribus, comitibus nobilibus et populo dicti regni, necnon facere et ordinare quæ ad honorem apostolicæ sedis ac reformationem Regis et regni correctionem præteritorum excessuum, et bonum regimen regni ejusdem viderimus expedire.'

cost that there was a wide difference between the French and German intellect.

Such were the evils which at last tore open the long-closed eyes of Western Europe; such was the absorbing darkness which the ignorance of the laity had allowed an interested and corrupt priesthood to spread over the light of truth, calling good evil, and evil good—sapping, under the appearance of religion, the common instincts of nature and the holiest lessons of reason, and plunging into the lowest depths of an abject superstition the people who had given up to their keeping the means of social order here, and their hopes of happiness hereafter. Feudal anarchy* was almost preferable to such a rule, at least it did not so completely exclude all hope of regeneration. With reviving literature and the study of Roman jurisprudence, of which all that was good in the Canon Law was a faint reflection, the continuance of such a state of things became impossible. Truth was an element in which it could not breathe. Petrarch was no enemy of the Church of Rome; on the contrary, he was willing to see in its authority an instrument for exalting his beloved country, and of making her once more the queen of nations; yet how loud are his complaints, how vehement his expostulations. 'Una salutis spes in auro est, auro placatur rex ferus, auro immane monstrum vincitur, auro tristis janitor mollitur, *auro cœlum panditur, auro Christus venditur.*'† And before him, Dante, a spirit even more sublime, after warning his readers to search for the meaning over which he was forced to draw the veil of allegorical versification, Dante had looked to the restoration of Cæsarean power, to the Imperial domination, as the only means of making head against the torrent of evil and calamity which the gigantic corruption and perverted influence of the Roman See were bringing upon Europe. Therefore he inveighs against the gift of Constantine; therefore he represents all attempts to diminish the Imperial power as criminal; therefore he inveighs against Charles of Valois; therefore, having placed Boniface VIII. and Clement V. in one of the circles of his hell; by an injustice which, had the writer not been mad for the sight of his eyes, which he saw—had not his heart been ulcerated, and his judgment, strong and piercing as it was, thrown off its balance by the sufferings of Italy, would have been unpardonable; he places the two illustrious Romans, Brutus and Cassius, in the lowest region of the abyss; and therefore, in some of the most

* Giannone, lib. xiii. c. 3, gives an account of the codification of the Feudal law, and of the labours of the 'incomparabile Cujacio.'

† Petrarch *Epistolæ*, a work full of generous sentiments and deep philosophy.

touching and beautiful lines ever written by man, he places Manfred, stained as he was with many foul crimes, in purgatory, overlooking the murderer to see only the victim of papal rancour and usurpation.

In England, at the time when the forms and method of proceeding were framed, clergymen were judges, sworn, indeed, to administer the law 'secundum legem et consuetudinem Angliæ,' but, nevertheless, trained in a system more artificial and elaborate. It is evident,* from the oaths taken by our kings, that the barons watched their proceedings, and upheld the 'lex terræ,' as opposed to the Canon and Roman Law, with immovable resolution. The constitutions of Clarendon, and the constant complaints of chicane in Matthew Paris, prove the restless anxiety of the king, feudal nobles, and of the laity on this head. 'Leges† et consuetudines quibus nunc vivitur insidiæ sunt et laquei calumniantium, verborum tendiculæ proponuntur et aucupationes syllabarum vel simplici.' And about the time of Henry III. the custom of appointing the clergy to administer the law in secular tribunals (the Court of Chancery excepted) was by degrees abandoned; but they still continued to practise as advocates, clerks, scribes, chartularies,‡ and to discharge the ministerial functions which required more learning, knowledge of forms, and habits of business, than it was usual for the laity to possess. The devices by which the land was slipt out of the feudal fetters were their contrivance. 'Seven times,' says Sir Henry Spelman,§ 'priests were appointed viceroys during the absence of the monarch beyond sea. Twelve chief justiciaries were chosen from them—one hundred and sixty chancellors and keepers of the Great Seal—all the Masters of the Rolls till the 26th of Henry VIII., and down to the time of Edward III.: the examples of their being made judges of assize,‖ of the Common Pleas, and of justices in Eyre, are numerous.' Add to these facts the expression of William of Malmesbury, 'Nullus clericus nisi causidicus,' and we shall form a notion of the vast influence the members of such a body must have exercised on the structure of our law.

---

* 'Et quidem Judices sacramento legibus alligantur jurati.'—John Salisb. *Polycraticon* v. c. 12, in the very words of the code. Tit de Judicibus, lib. xiv.

† Matthew Paris. The oath of the judges under Henry III. was in these words—'Bonâ fide procurabunt quod magnus sicut parvus judicabitur secundum legem et consuetudinem regni.'—Cit. ap. Selden *ad Fletam*, c. ix.

‡ Du Cange, b. iii. *Clericus Fleta*, ix. Selden.

§ Præf. ded. *ad Concil*, Ecc. Ang.

‖ Innocent III. ordered Richard I. to remove Archbishop Hubert from the office of chief justiciary on pain of excommunication.

'However it may seem,' says Selden,* 'that the temporal courts had some extrinsic jurisdiction in the reign of King John and Henry III., it is clear that in the beginning of Henry III. suits for legacies personal were in the spiritual courts.' It was clear law in the time of Bracton that 'Locum non habet probatio in causâ testamentariâ si catalla legentur et inde agatur in foro ecclesiastico;' and this agrees, as Selden remarks, exactly with the register, 'Placita de catallis et debitis quæ sunt de testamento et matrimonio, ad forum ecclesiæ specialiter dignoscimus pertinere.' So Fleta,† in the time of Edward I., tells us expressly, 'De causâ testamentariâ sicut nec de causâ matrimoniali curia regis se non intromittat.' Lindwood says that the power of punishing those who obstructed the free execution of the will of the deceased arises in part from special privileges, and in part from custom, which grew up with the sanction of the kings of England; but he says it may owe its origin to those laws in the code that made the bishop a protector of legacies 'in pios usus.'

About the year A.D. 1200, Selden‡ remarks, 'That it was much less difficult for popes and their laws to gain obedience among subjects, for no time was when any of them more insolently bare themselves in the empire, never near so insolently in England, as in the continuing times next before and near about this change.' 'Hence,' he proceeds, 'have the canons in this point (*i. e.*, with regard to tithes) hitherto here continued, and have been, and are, binding ecclesiastical laws, saving wherein the later express laws of the kingdom cross them.' But Selden affirms, that long before this period the 'Codex Canonum vetus Ecclesiæ Romanæ' was received as law in England; and ten years before Gratian's decree was written, it is certain that the canons of the Church were familiarly talked of, and urged in the synod of Winchester in the fourth year of King Stephen, when the question was, whether the Bishop of Salisbury and the Bishop of Lincoln might lawfully keep the castles they had fortified. The King utterly refused 'censuram canonum pati,' and prohibited the study of the Canon Law, to very little purpose, as we learn from Matthew Paris, John of Salisbury,§ and Selden. Matthew Paris, A.D. 1245, recites several decrees in the *Sextum*, regulating the method of proceeding, and adds, 'Quod postquam hæc statuta ad notitiam audientium pervenissent in conspectu omnium sapientium placuerunt.' And in another passage he supplies a strong proof

* P. 1670, v. iii. part 2, fol. ed. Selden's works.
† Lib. ii. c. 57 s. executor.
‡ *Review*, p. 1339, v. iii. part 2, fol. ed. works.
§ *De Nugis Curialium*, lib. viii. c. 22.

that the *Decretals* found their way very soon to England:—'His quoque temporibus Gregorius P. 9 videns Decretalium tediosam prolixitatem sub quodam compendio eas abbreviatas eleganter et collectas solenniter et authenticè per totius mundi latitudinem legi præcepit et divulgari.' 'In quibus,' he adds, 'quædam innovavit ne scilicet illegitimi in prælatias vel ecclesiastica beneficia nisi adeptâ a sede Romanâ dispensatione obtineant, sciens inde curiæ Romanæ pro impetratione tali, multa emolumenta provenire.'—Sicut ex *Statuto Innocentii*, p. dis. plu. ben. obt. Again, as a proof that our pleading, like the forms of all other countries, was borrowed from the canonists, we may cite the words of Duranti under the head 'De libellorum conceptione'*—Lord Wensleydale himself would hardly object to this passage—'Cum circa libellorum conceptionem grande periculum immineat, et quasi tota vis in eis recte concipiendis consistat paucique reperiantur in hoc plane instructi, super hoc intendo utilem tradere,' &c.

That the times of transacting business in courts of law and of vacation were borrowed from the Canon Law, has been observed by many writers. The Canon Law divided holidays into solennes and repentinæ; the solennes were again divided into sacred and profane.† During these times all contentious matters within the province of jurisdiction (unless in cases of piety or necessity) ceased, but those of voluntary jurisdiction might be carried on. The canon *Conquestus*‡ says that 'judicialis strepitus' should be at rest, 'diebus feriatis ob reverentiam Dei,' even though the parties should consent that proceedings should be carried on; but during the vacations, 'gratiâ vindemiarum vel messium,' litigants might wave their privilege. Sir Henry Spelman quotes a passage from an old manuscript, in which legal proceedings were carried on at York, before the Commissary-General, by consent of the parties, 'tempore messium non obstante.'§ The 80th chapter of the *Coutumier de Normandie* is headed, 'De temporibus in quibus leges non debent fieri.' 'Notandum autem est quod quædam sunt tempora in quibus leges non debent fieri . . . videlicet omnia tempora in quibus matrimonia non possunt cele-

* Lib. iv. partic. I. p. 53. He gives almost the exact form of our declaration—'Coram vobis domino P. Judice conqueror ego de Titio qui mihi tenetur in decem quia equum sibi vendidi A.D., month, day, year of reign. Quæ decem mihi solvere indebite contradicit quare peto ipsum mihi condemnari.'—*Forma. libelli.*

† *Decret. Grati.* l. xv. c. iv., c. i., c. ii., 'nulla judiciaria potestas licentiam habeat suâ auctoritate Christianos ad placitum bannire in supradictis diebus κ.τ.λ.'

‡ 52 X. 'Nisi necessitas urgeat vel pietas suadeat.'

§ Spelman's *Posthumous Works* p. 85.

brari. . . . et omnes dies solennes, novem lectionum, solennium jejuniorum, quatuor temporum.' By the old law of the Church, which was inserted in the capitularies, causes were not to be heard in the afternoon, at least not after dinner,* 'quæ a prandio fiunt consultationes inter decreta non referuntur;' and hence came our rule prohibiting juries meat, drink, fire, or candle-light, till they have agreed upon their verdict. The 'Dies novem lectionum,' the Purification, Ascension, St. John Baptist, All Saints, &c., were long observed as holidays in English courts of justice; nor can a stronger proof be given of the influence of the canonists on our law. They are mentioned in an ordinance (8 Ed. III.). They were so called because, in order to commemorate the victory of the Church over the Arians, it was ordained that on these festivals a particular lesson on the nature of the Trinity should be read, in addition to the other eight. The *Speculum Juris*,† to which reference has been already made, contains many other proofs of the assertion, in which all writers of any weight have joined, that the canonists were the framers of modern practice. Besides the form of our declaration, which Duranti gives in the passage cited, he draws the distinction between real and personal action, and gives a great variety of forms for different actions (*Spec.* lib. iv. part 1), as well as of the exceptions which may be taken to an incomplete libellus (*Spec.* lib. iv. part 1, p. 66). 'Scias quod rei subtilis advocatus potest libellum multipliciter impugnare;' then he proceeds, 'non valet libellus si non continet nomen judicis actoris, rei, consulem, diem, mensem, locum, rem, personam agentis et cum quâ:' nor if it contain many charges, 'nisi sint sigillatim singula specificata' . . . 'item debet designare an totam rem, vel quotam, vel partem petat, et ejus fines;' and whether it is 'vinea, campus, vel pratum.' Then comes a remark worthy of Sir Edward Saunders—Always express yourself so that your adversary may know to a certain degree, not clearly (et non plene), what it is you want, for if he be altogether ignorant he is not obliged to give any reply—'si enim penitus nesciret non cogeretur respondere' (p. 67); and in framing the libellus let him always take counsel with the learned, 'ne ex formâ libelli circumveniatur.' Be careful, if the cause of action or the thing claimed is not clearly stated in the libellus, to demur, and say, in the very words of our demurrers, 'non teneor respondere;' and if the judge overrule this exception, an appeal will lie.‡ Moreover, he uses the

* Cap. ii. 33; Lex. Long. iii. 52—4.

† *Speculum Juris.* De Feriis, 'aliæ sunt sollennes,' lib. ii. partic. I. p. 153.

‡ See X. tit. ii. c. iii: 'Ex parte ipsorum fuit excipiendo propositum

very word, 'declarari,' from which our declaration is borrowed, in the sense of making it a formal proceeding in the suit, 'non autem petas libellum declarari, quia jam instrueres adversarium,' which is the mistake of many judges, 'qui statim libellum *declarari* precipiunt.' He points out the time after which amendment is not allowed, and insists upon the use of what in our law was called a 'protestando;' 'consueverunt fieri quædam protestationes generales in libello ad cautelam ut illa salvo jure addendi,' &c. Great stress is laid on the principle that the 'exceptio,' or demurrer, admits the plaintiff's facts, 'si confidi actorem in suâ intentione deficere nullam proponas exceptionem.' The 'exceptio' was met by a replication on the part of the plaintiff, and that might be encountered by a 'triplicatio.'*

The disputes between Beckett and Henry II. turned mainly on questions of ecclesiastical law.† In order to settle them for ever by an authentic rule, that great monarch, one of the greatest that ever filled the throne of England, caused a code of laws to be enacted at Clarendon in the year 1194. To these Beckett solemnly promised that he would conform; yet no sooner were they passed, than he endeavoured, by the most miserable prevarication, to get rid of his engagement. The perusal of these articles places in the clearest light the insolent claims and exorbitant usurpations of the clergy. Alexander III., in full consistory, declared ten out of the sixteen utterly inadmissible; the other six he admitted, not as good, but as less evil than the rest.‡ Among those rejected, one was that disputes between laymen and ecclesiastics, or between ecclesiastics as to the advowson and presentation of churches, should be decided in the King's Court. Another, that ecclesiastics accused of an offence cognizable by the courts of law should appear before them. Another, that no prelate or dignified clergyman should leave the realm without the king's licence; and that, if the king required it, they should give security to the king that they would not procure any damage to the kingdom. Another related to the excommunication of the king's tenants, in capite, and laying their lands under an interdict, which was prohibited until application had been made to the king. Another provided that appeals

---

quod quum dicti prior et conventus nollent exprimere in porrecto libello, quare sibi dicta pecunia deberetur super hoc minime respondere tenetur.'

* *De Except, et Repl. Spec. Juris*, lib. ii. partic. i. 'Taxo expensas,' *ib.* p. 175.

† M. Paris, A.D. 1167.

‡ Bacon, *Discourses*, vol. i. c. lix.

should be from the archdeacon to the bishop, and from the bishop to the archbishop, and from the archbishop to the king; so that the cause be finally determined in the Archbishop's Court, unless the king assent to its removal. Another, that if a dispute arose concerning a tenement said to be held in 'liberâ eleemosynâ' between an ecclesiastic and a layman, the King's Chief Justice, on a recognition of twelve men, should determine, 'utrum tenementum sit pertinens ad eleemosynam vel ad feudum laicum.' And another guarded against the pretext for ecclesiastical jurisdiction which has been already noticed, by providing that pleas of debt, whether 'fide interpositâ'* or not, should be decided by the King's Judges. The provision and the uncompromising rejection of it by the Pope furnish a curious proof of the various devices by which the priests attracted litigation to their courts, and of the tenacity with which they clung to the pretexts of their encroachments. The constitutions of Clarendon were confirmed at Northampton, and would have established a solid barrier against the usurpations of the canonists. But Henry II., after the murder of Beckett, conscience-stricken, full of shame, and anxious to purchase a reconciliation with the Holy See, surrendered the right for which he had so long and so vigorously contended. He told the Pope that he made these concessions against the advice of his wisest counsellors; but the constitutions of Clarendon were never abrogated.†

Bracton‡ gives a proof that in Henry II.'s time apostacy was punished by death. A priest turned Jew was convicted at Oxford before a synod of bishops, and burnt by their command. The wrestling of the secular and spiritual authorities continued till the Wars of the Roses. The thirty-seventh clause§ of Magna Charta was levelled at a device of the clergy to obtain lands. It provides that 'lands or tenements aliened to a religious house

---

* Bracton, 408, *b*. Glanville, x. c. xii., says in his time he might be sued 'de fidei læsione.'

† Reeve, *Hist. of E. L.* vol. i. c. 4.

‡ Lib. iii. c. 9.

§ This 37th clause is evidently borrowed from a clause in the charter granted by Henry the Second to the clergy, nobles, and inhabitants of Normandy—c. 46: 'Non liceat alicui de cætero dare terram suam alicui domui religiosæ ita quod illam sumat tenendam de eâdem domo nec liceat alicui domui religiosæ terram alicujus sic accipere quod tradat eam illi a quo recipit eam tenendam.' Apud Broussel, *Usage des Fiefs*, p. 7, Appendix. This shows that not the barons only drew up Magna Charta. The hand of Stephen Langton, the patriotic legate, who soon quarrelled with the Papal See, and who exacted an oath from John before he was elected king, is visible. So entirely were clergymen the legislators of that age.

shall escheat to the Lord, if the alienor take the same back to hold of that house.' Edward I. passed the statute 'De Religiosis'* against alienations in mortmain; and by another law† provided that lands with crosses placed on them to prevent the execution of the law should be considered as falling within that statute. By the statute of West. ii. c. 19, it was provided that ordinaries having the goods of an intestate should answer his debt; but the influence of the clergy even in Edward I.'s time obtained the statute, or, as it ought more properly to be called, the writ 'Circumspecté Agatis;'‡ and in Edward III.'s time it was enacted that ordinaries shall not be questioned in the King's Courts for commutation, testamentary matters, or matrimonial causes, nor other things touching the jurisdiction of Holy Church.§ Another Act in the reign of the same king gave them the cognizance of usury during the delinquent's life, and another declared that no bishop or archbishop shall be impeached before the civil magistrate without the king's express warrant.‖ The 31st Ed. III. c. 71, commanded that they should depute the next and most lawful friends of the deceased to administer his goods—a proof that some interference with their power was loudly called for.

'Nous connaissons,'¶ says a great writer, 'ces abus par les édits qui les reformèrent.' Although a great change had taken place in our law between the time of Glanville and of Bracton, yet Bracton repeats sometimes, in the very words of Glanville, the testamentary law as stated by that author. Bracton says that the administration of intestate effects belonged 'ad ecclesiam et ad amicos.' It was the abuse of this jurisdiction that gave rise to the statute that has been cited. Another form of property, which ended by changing the whole condition of landed estates, and which was the invention of the Canonists—the use, as distinct from the ownership—is thus mentioned in Bracton. He says that if the usufruct of land is sued for in the Ecclesiastical Courts, as that is merely a chattel interest, it falls within their jurisdiction, and cannot be taken out of it by a writ of prohibition.** An ordinance borrowed from the Canon Law was levelled at Wickliffe and his followers, to this

---

* 7 Ed. I. † West. ii. c. 33.

‡ 13 Ed. I. It runs—'Take good heed that you do not punish the Bishop of Norwich and his clergy if they hold plea in Court Christian of things merely spiritual, for in such cases the ecclesiastical judge has cognizance, notwithstanding the king's prohibition.'

§ 15 Ed. III. c. 6.

‖ 18 Ed. III. c. 1.

¶ *Esprit des Loix*, xxviii. c. 41.

** Bracton, 407, *b.*; Coke, 2d *Institute*, 487.

effect: 'That upon complaint of the Bishop, the King's writ* shall be granted to apprehend preachers of heresies, errors, and matters of slander, and to imprison them till they be acquitted according to the law of the Church.' But as soon as this decree was promulgated, the Commons protested against it as having been enacted without their consent, and prayed that it might be repealed—ominous words, which showed that the spell was fast dissolving which so long had fascinated Europe, and that the Alcina whom the nations so long had worshipped as a celestial nymph was about to appear in her true shape—a wrinkled hag, deformed by habitual sin, and polluted with accumulated impurity. The storm was at hand which was sent to purify elements that had long been corrupting in stagnation. The Council of Trent, the account of which has been preserved to us by one of the first of modern writers, were there no other record of his greatness, is an imperishable monument to the fame of Luther. But for him the (Roman) Church would have perished by the disease of Sylla.

Thus have we endeavoured to lay before the reader some materials for forming an opinion on a subject little considered in this country, but interesting to all who think the progress of human opinion a matter as worthy of their inquiries as the vertebræ of an antediluvian reptile. The grain of mustard-seed took root and germinated. The suppliant priest became the arbiter of nations. The successors of him who invoked the assistance of Charlemagne to save him and a handful of dependents from the sword of the Lombards, took the crown from the head of emperors, bestowed on their favoured vassal the fairest regions of the earth, and at last portioned out the globe among obedient monarchs—using for the means of demarcation the circles of latitude and longitude, as a land-surveyor does his chain and his theodolite to settle the bounds of a disputed property.

That amid the Canon Law there are traces of profound thought, of great sagacity, and, where the interests of the hierarchy are not concerned,† of zeal for right, and reverence

---

* 5 Rich. II. c. ii. s. 5.

† *E.g.*, the maxim so opposite to the doctrine of the barbarous nobles of the middle ages, 'Vilissimus est computandus, nisi præcellat scientiâ et sanctitate qui est honore præstantior.'—Cap. vilissimus xlv. causa 1, quæst. 1. And again, 'Caveant Ecclesiastici judices et prudentes attendant ut in causarum processibus nihil vindicet odium vel favor usurpet. . . . ut in omnibus quæ in causis agenda fuerint . . . . præ oculis habeant solum Deum.'—Cap. cum æterni. 1 Extrav. de sententiâ et re judicatâ. 'Quisquis metu cujuslibet potentis veritatem occultat iram Dei supra se provocat quia magis timet homines quam

for the principles of natural justice, none but purblind bigots or review-taught sciolists will dispute. As a proof that the human mind, however steeped in ignorance, however clogged or borne downwards by superstition, will always turn to the quarter from which a ray of justice falls, as plants in a cellar turn to a chink from which the light is visible, the influence of its authors is a natural object of contemplation to the jurist; and as a power which has stamped* its image on the great European commonwealth in deep and lasting characters—characters that neither the lapse of centuries, nor the convulsion of empires, nor the mighty change of opinion and sentiment which has taken place since it was first established, nor the overthrow in some countries, and the diminution in all, of the authority it was instituted to perpetuate, have yet been able to efface—it deserves attentive study and investigation from every one who aspires to the name of a philosophical historian.

J. G. P.

Deum.'—Cap. quisquis lxxx. caus. xi. quæst. iii.; and see cap. quatuor 78 caus. xi. quæst. 3. Such maxims must have purified the moral atmosphere of the eleventh century. They are very different from the grotesque and cruel rules of the feudal law. So the rule 'Accusatorem et accusatum simul adesse' is laid down cap. necesse ult. caus. iii. quæst. 9.

* Hungary, 1073; Croatia, 1076; Poland, 1080; Portugal, 1143; Ireland, 1156, were declared kingdoms by the Papal See. The royal styles now used—most Christian, most faithful, Catholic, and, strangest of all, Defender of the Faith—were conferred by the same authority.

OXFORD UNIVERSITY REFORM.

OXFORD entered on the path of Reform at the beginning of the century, when Reform was at a discount in the country at large, though Cambridge was in advance of us,—so far, at least, as intellectual activity was concerned. An effective examination was revived for the B.A. degree, and class-lists were instituted in 'Humanities' and mathematics. At the same time, the fellowships and scholarships of Oriel and Balliol, the only open colleges, began to be awarded by merit, with illustrious results to Church and State. By these means, principles of intellectual duty were restored, which were sure in the end to be triumphant. The authors of these improvements had, no doubt, to encounter great difficulties and some annoyances in their day; and it is painful to reflect that some of them lived to be shocked by the inevitable sequel of a movement they had themselves commenced.

The movement went on down to 1835. Other colleges followed the example of Balliol and Oriel, as far as the statutable restrictions of their fellowships and scholarships permitted. The tutorial system was aroused from its lethargy, and the number of tutors and lectures was increased, and the quality of the instruction improved; the tutors themselves being willing parties to changes by which their work was multiplied and their salaries greatly reduced. The intercourse between tutor and pupil, as academical guardian and ward, also became more active and intimate, and bore the happiest fruits. War was waged on abject indolence by conscientious examiners, and on gross vice by conscientious proctors. All agree in testifying to the great improvements of tastes and habits both among the undergraduates and in the common rooms. Purity and public spirit gradually made head against the old system in the administration of the College property, and the domestic economy of colleges ceased to countenance extravagance in the students. Leases were run out at a sacrifice to the existing heads and fellows, and College buildings were restored and

enlarged, sometimes at a heavy cost. Attempts were made to give reality to the examinations for the higher degrees, though not with much success, except in the medical faculty. The University press was rescued from financial difficulties, and its efficiency increased, though its publications were mostly confined to a limited and rather scholastic sphere.

About 1835, the movement of Academical Reform was crossed by a great religious movement, now become a matter of history, among the clerical fellows of colleges. That movement was ecclesiastical, not academical; it arose out of certain elements in the liturgy and constitution of the Anglican Church, which had produced similar movements before. The University system of education has not to answer for it any more than for the peculiar political character which Oxford has derived from its social and ecclesiastical connexions. The same educational system produced Arnold and Newman. Celibate fellowships, mediæval buildings, and the statutes of mediæval founders, of course played their part. No doubt, this movement helped University Reform in the largest sense, by making men religious. It also rendered more affectionate, though perhaps it tainted with proselytism, the relation between tutor and pupil. Nor was Dr. Newman himself an enemy to University Reform generally; on the contrary, a sympathy with it is one of the few old affections which he seems to have retained in his present renovated state. But it is not to be denied that some of his party displayed in University matters something of that 'cretinist' tendency which they have since developed in its natural sphere. They wished for a reform of the colleges in a monastic sense, and preached and practised a high rule of duty; but, as a body, they were against intellect and the claims of intellectual labour. They even began to lay their hands on the few open fellowships, which to the Reform party was a matter of life and death. The theological excitement which prevailed, and which was inflamed by desperate party struggles in Convocation, also interfered greatly with the proper duties of a place of learning and education; nothing, in fact, but the class-list saved those duties from submersion. Many Oxford men of that day owe to Newmanism a strong sense of the reality and value of spiritual things; not a few, perhaps, owe to it the wreck of their intellects, and the destruction of their usefulness in life.

About 1850, the Romanizing movement was over, and was naturally succeeded by a theological reaction which must be attributed to the same causes as the original movement, not to academical education. The Reform party then resumed their efforts, and, responding to the loud call of public opinion,

enlarged and liberalized the educational system by the institution of two new schools,—one of modern history and jurisprudence, and the other of physical science. It was a change analogous to the substitution of the new classical studies for the schoolmen in the sixteenth century, and almost as fiercely contested, theological apprehensions entering in some degree into the second controversy as well as into the first. The struggle did not fail to leave its traces on the statute in which the new system is embodied; and this should be remembered when the framers of that statute are to be judged.

But in the new examination statute, internal Reform had reached its limits, or rather it had gone beyond them. In passing that statute, the University drew heavily in advance on Parliamentary assistance, and would have been unable to meet her engagements to the studies of the new schools if the draft had been dishonoured. There was no efficient staff to teach physical science, modern history, political economy or jurisprudence, and nothing wherewith to reward industry in such studies. The professoriate was scanty and starved. The great mass of the fellowships and scholarships were limited to counties, founders' kin, schools, or other privileged bodies,—the limitations to the counties being of the most capricious kind; so that Middlesex was almost excluded, while Lincolnshire was gorged. The College tutors were almost all clergymen waiting for livings, who could not be expected to devote themselves effectively to lay studies. Most of the fellowships were also, by statute, limited to theologians,—a fact on which the strong friends of a clerical university naturally felt it their duty often to insist. In spite of many liberal changes voluntarily made, the respective shares of scholars and fellows, and of junior and senior fellows, in the College revenues greatly needed legal rectification. Minute codes of mediæval statutes, regulating all the particulars of life and study in accordance with the ideas of Roman Catholic and scholastic founders, were still sworn to, though they could not be kept, and formed at once a moral opprobrium and a thick veil hiding from the eyes of those nominally subject to them the requirements and duties of the present time. Religious tests of the most stringent kind beset the whole University course, and combined with the want of instruction in science to cut off the University from a large part of the nation. The constitution of the University was of the closest kind—a monument of Charles I. and Laud; and the constitutions of colleges were by their statutes, or had become by natural contagion, rather those of ancient abbeys than of modern corporations. The new examination statute itself had really been carried by the efforts of a minority. The

movement in favour of educational reform, though zealous, was limited to a few colleges; the great close foundations taking no interest in, but rather regarding with jealousy, and even impeding, efforts alien to the practical interests of the majority of their members.

Under these circumstances, the friends of the new examination statute did not think themselves inconsistent or disloyal in hailing the proposal of Lord John Russell to issue a Royal Commission of Inquiry preparatory to a measure of emancipation and improvement. Lord John Russell was the leader of the opposite party in politics to that with which the University had been led by its traditions, its ecclesiastical character, and its supposed interests to bind itself up, and of which it had in fact become an avowed political instrument; but he was not capable of indulging political animosity at the expense of learning, and the universities were strong enough to repel any change the necessity of which might not be clearly established. The proposal coming from one side of the House, was, of course, resisted by the other, on which the greatest Oxford statesmen were then arrayed. Sharp debates and a tolerably close party division ensued, the Opposition arguing that if the Minister wished to indict the University, he ought to move for a Parliamentary Commission; to which the reply was, that the obstructions under which Oxford laboured in a great and Cambridge in a less degree, were not their fault but their misfortune, and that the object was not to indict the universities, but to set them free. Opinions were afterwards obtained from eminent lawyers by the University and Brasenose College, to the effect that Royal Commissions of Inquiry generally were illegal; but a long series of precedents were produced in confirmation of what seems the natural right of the Crown to obtain the best information and advice in a producible shape, before proposing to Parliament to legislate for great public institutions.

It was understood that the Minister endeavoured, out of fairness, to include in his Reform Commission some opponents of Reform. But his laudable efforts were crowned with failure, or he would have had no Report at all. The Commission was a reforming Commission, and the Report was a reforming Report; but if it had not been supported by decisive facts, it would have been cast aside as a pamphlet, instead of becoming the basis of a law. It was answered in form by a counter Report from a committee of the Hebdomadal Board, and Parliament had both documents before it in proceeding to legislate on the question. The statements of the Royal Commissioners were not free from minor errors, nor could their views

and arguments, or those of their witnesses, be quite exempt from the taint of controversy, then running high. Some of their more speculative recommendations have also been allowed to fall into oblivion; and, indeed, to frame speculative structures in a Board, must be almost as hard as to frame a poem in Committee. But, as a whole, the Report cannot be denied to have held water, and done its work. As a composition, it was thought to do honour to the Commissioners, by whom it was exclusively framed; and both as to the Report and the evidence, even those who were not partial to academics seemed to allow that the power of succinct, clear, and effective statement and discussion was not confined to the authors of Parliamentary Blue-books. The bitterest party question,—that of the tests,—had been considerately excepted by Lord John Russell from the cognizance of the Commissioners.

The Report was laid in the lap of a Conservative Government. But that Government speedily gave place to the Coalition Ministry under Lord Aberdeen, in which Lord John Russell and Mr. Gladstone sat side by side, and together framed a Bill of Reform for Oxford, mainly based on the Report of the Commission. Mr. Gladstone had read the Report of the Commissioners, and it requires but little charity to believe that he was sincerely convinced by it of the necessity of reform. He was, of course, loudly accused by the enemies of reform of betrayal; while its friends as loudly complained that the cause had been betrayed into his hands. The Bill was in fact a compromise;—not an irrational conclusion, when the institution dealt with was a place of education common to different parties. When brought in, the Bill was allowed to pass its second reading unopposed; but the Conservative opposition endeavoured to damage it fatally in committee by means of coalitions with the dissatisfied Liberals. They even went so far as to vote with that party against having Conservatives on the Commission. The result was, that the original form of the Bill, as regarded the colleges, had to be discarded, and its complicated enactments were condensed into general powers of amending the College statutes, given to the colleges in the first instance, and on their default to the Commissioners; the original draft having settled the principles, and charged the colleges and the Commissioners only with details. The opposition to the Bill was virtually commuted for checks on the action of the Commission. With this change —with an alteration in regard to the University constitution (afterwards rejected in the Lords)—with a clause saving all the school fellowships and scholarships (rejected by the Lords as to the fellowships)—and with a clause abolishing the tests for

the inferior degrees, the Bill went into the Upper House. The resistance in that House did not satisfy the Oxford opponents of the measure. Perhaps in a calmer atmosphere it was more clearly perceived that a Bill doubling the powers and influence of an institution like Oxford, if it was liberal, was conservative too. Tory, the University will probably be no more; and the conduct of parliamentary parties on this question may have helped to teach her to lean, not on the bruised reed of political connexion, but on the respect and attachment of the nation. But with her property, associations, and traditions, it seems absurd to think that, with any amount of intellectual activity, she can ever be a revolutionary element in the State.

The Bill having become law, two important changes took effect at once—the new University constitution, and the abolition of religious tests for the inferior degrees.

The Congregation of residents is in effect merely a return to the old state of things, when none but residents voted in Convocation. The members of Convocation at large can still exercise their powers on extraordinary occasions; and few will regret the practice of summoning the nearest and the least occupied of the number to interfere in ordinary legislation. The liberty of speech, also, which it was feared would turn the University into 'a vast debating club,' had been enjoyed in former times, while the Latin of Convocation was a language; and when Latin became a gag, had been supplied by pamphlets often longer and more angry than any speeches. The permission of debate on the promulgation of a statute only, not on the division, remains a monument of the impression, now pretty well exploded, that one of the most intellectual and fastidious assemblies in the country would be inferior to a parish vestry in the power of decent and relevant discussion. The change from the old Board of Heads to an Elective Council was generally demanded, not from any bad feeling against the Heads (as the elections to the Council have since proved), but because the Board seemed contrived for the express purpose of cutting off the government of the University and of each College from the body of its working members, and preventing co-operation and harmony between them. Moreover, as a body consisting almost entirely of clergymen and dignified sinecurists, the Hebdomadal Board could not, with the best intentions, be a just government towards the lay studies or the working teachers of the place. The two proctors, transient intruders into a permanent body, could not materially qualify the exclusiveness of that body. There was a feeling among men of the world, that the Heads merited support for repressing a certain religious

party; but it was said, on the other hand, that they had rather intensified than allayed party feeling by their attempts at repression. Good judges thought—and their opinion seems to have been justified by the event—that, under a more open and genial constitution, much of the energy of theological agitation would have been absorbed in the practical duties of the place. A Council freely elected was not the only, or the most elaborate substitute proposed for the Hebdomadal Board; but it was the most natural, and it was, at all events, undeniably just. If Oxford cannot bear the stress of occasional elections to unpaid offices of trust and honour, it would almost seem that the elective principle ought to be discarded from English politics. Any evil there may be in these contests is greatly mitigated by the power of re-election, which has been, and it is to be hoped always will be, extensively used; and the 'minorities clause' has effectually prevented the Council from being monopolized by any one party. Elections to professorships and other paid offices, by Convocation, are incomparably more distracting. The Heads would have kept the old Hebdomadal Board, and placed a Consultative Board by the side of it; but the relations between these two Boards would surely have been anything but simple or sisterly. The Commission proposed no initiative Council, but a close congregation of heads, professors, and delegates from the tutors, in which the heads and professors would have had an overwhelming majority, to the certain renewal of the old discontents. They also proposed that the heads should be a board of discipline, and the professors a board of studies,—an arrangement under which much time would constantly have been spent in beating the bounds between discipline and instruction, and the system of studies would have been the resultant of jarring professorial partialities, equitable perhaps as between the different doctors, but probably embarrassing to the patient. A Council, consisting in equal parts of heads, professors, and members of Convocation, elected by their several 'orders,' was carried in the House of Commons by a junction of Radicals voting against High-Church fellows and tutors, and Tories voting against the Government; but few seem now to lament that a transient antagonism was not perpetuated, or that the separate interests of the governors and teachers of a place of education have been merged in their common duty. Even the tripartite division of the Council itself, which is a slight memorial of the same spirit of antagonism, seems to be, to a great extent, virtually disregarded in the elections.

Mr. Gladstone was bitterly censured by his High-Church friends for having been a party to the abolition of religious

tests for the inferior degrees. Surely it is enough that, in a country where the principle of religious equality is virtually established, and the State has ceased to pretend to be the judge of religious truth, no one can take his full degree, and become a member of the academical corporation without putting his hand to several hundred propositions in divinity, many of them of a speculative kind, many of them notoriously controverted even among Protestant Churches, and some of them necessarily taken in an evasive sense by the clergy of the two extreme parties in the Established Church itself. The tyranny of tests is strongly felt by many persons who are neither enemies to religion, nor to the religion of the Church of England, but who are enemies to vexation of conscience, and who think that to tempt a man to bind his soul to that of which he is not thoroughly convinced for the sake of worldly advantages, is to tempt him to commit a breach of his allegiance to the God of Truth. The maintenance of a religious system in the University and the colleges is a totally different thing. English opinion not only sanctions, but demands, the existence of a religious system in that which is for the time the student's home, and the religion can scarcely be any other than that of the Established Church. A Church established in the nation at large, but not established in the universities, would indeed seem a very anomalous institution. All that can be asked is, that the religious discipline of the colleges should be used *bonâ fide* for religious purposes, not as a substitute for tests; and that the Church of England should not assume a more narrow and exacting character at Oxford than elsewhere. The present system, if kindly administered, will probably reunite to the Church many Nonconformists of the wealthier class. Even in the case of professors, which many think exceptional, tests and abjurations seem a bad way of attaining an end which may be better attained by more direct means. A teacher who indulges his vanity or fanaticism by tampering with the religion of his pupils, commits a gross breach of trust, and may be punished for a breach of trust with the full approbation of all men of sense and honour.

The initiative in amending the College statutes was given to the colleges themselves for a year, and then to the Commission by default; but the long negotiations overstepped the line, and, with the exception of three colleges, which completed the work in the first year, the action of the colleges and the Commission became, in fact, a joint action. In the first year the form adopted was that of new or amended codes, which the colleges can alter with the consent of the visitor; afterwards, as the acts of the Commission were subject to

alteration only with consent of the Crown in Council, the form adopted was that of amending ordinances, the enacting parts of which, however, will easily fit into an amended code, as has been done in the new code framed for the consolidated foundations of Queen's. Those who hereafter judge this work must remember the conflict of opinions, the divided initiative, the number of separate negotiations, the vague and ambiguous Act. The length of the business has probably left a feeling of weariness at Oxford, which will soon give place to the sense of increased powers and renewed hopes. In the midst of their labours the Commission lost their chairman—one who, born to a high position, had always endeavoured to win a higher for himself by active beneficence, and whom the languor of mortal disease did not deter from constant attendance to a self-imposed public duty.

One or two ordinances still remain to be gazetted or confirmed, but the practical result is not doubtful; and in almost all the colleges important questions, arising out of their new statutes, are already under consideration. The fellowships and scholarships generally are opened to merit; the number and value of the scholarships and exhibitions are greatly increased; the constitutions of the colleges are assimilated to those of other English corporations; the obsolete monastic codes are either swept away, or made subject to amendment—that is, to abolition—by the colleges, with the consent of their visitors; the College revenues have been more fairly distributed between the different grades of the foundations; the powers of visitation have been strengthened and ascertained; the professoriate has been extended, though not completed, and its direct endowments have been improved by appropriations out of the College revenues, besides the power given to colleges of retaining married professors in their fellowships.

These measures have, of course, involved great alterations in founders' statutes. But those who deemed founders' statutes above alteration by the supreme power of the State could only hold their own headships and fellowships on the precarious assumption that Roman Catholic bishops, some of whom actually saw and combated the rising Reformation, would certainly have gone with Cranmer and Latimer, not with Fisher, Pole, and More. It is fruitless to speculate what mediæval founders would have done had they legislated for a state of things of which they never dreamed; but any man of sense and character in his day may be justly taken to have felt the difference between the inward and outward life of the world, and credit may be given him for not mourning above measure bêcause the fashion of human institutions must

wax old and pass away. The question as to the oaths was decided by men of the highest piety and integrity, in favour of submission to the law. The alterations against which founders sought by these oaths to guard, were such as might be expected in a lawless age, not such as might be made by authority of the supreme government, from which all their own legislative powers were necessarily derived. As to their curses, they must be limited like the oaths,—if, indeed, it is to be supposed that such things as human curses are ever allowed to stalk the moral world. Yet the difficulties this question occasioned to some of the best friends of Reform, suggest the propriety of making the matter clear for the future, by requiring that all perpetual foundations shall be expressly left subject to change in their details. The earth has been assigned by its Creator to each generation of men in turn for their support; and any dominion a man is allowed to exercise over it after his death is clearly artificial, and must be bounded by the interest of succeeding generations.

About the expediency of opening the fellowships there could be little doubt among those who wished to see places in the University bestowed by fitness. Whatever that fitness might consist in,—virtue, learning, or even lack of learning,—county and kin restrictions could not fail to tell against it. It was not true that there were open fellowships enough even for the single kind of intellectual excellence hitherto encouraged, much less for the different kinds of excellence which it had been resolved to encourage for the future. Social variety, and picturesque diversities of character among the colleges, to which the close foundations were alleged by some to be essential, will probably be supplied henceforth by the different lines of study, which must produce varieties of character among the fellows quite as marked as those produced by birthplace, school, or kin. Ecclesiastical feelings, as before hinted, had something to do with the matter, a large party wishing rather to make the colleges seats of religion than places of learning and education. It was a further question whether in elections to fellowships examination should be the test of merit. It may be said to have been virtually settled that it shall, though there is nothing in the published ordinances to compel a place of education to elect into its governing body a man of loose character, or one who would disturb its religious peace. Examination is, no doubt, rather a coarse test even of intellectual power and acquirements, but it is the only known guarantee for justice. It can hardly be thought that the dignity of colleges is lowered by their being required to bestow their fellowships, not as patronage, but as a trust, considering how

entirely the performance of the trust is left to their honour. As little can it be thought that any improper homage is paid to mere intellect by filling up these places, like others, according to fitness. You choose a ploughman by his ability to do the proper work of a ploughman,—a fellow of a college by his power to do the proper work of a fellow. No man knows better than Mr. Gladstone that intellect is not the highest thing in the world; but he grasped without hesitation the necessary means of enforcing that intellectual labour without which a village may be an Eden, a college must be a sty. Certainly nothing could, as a matter of fact, be less favourable to practical excellence and moral virtue than the old close and nomination fellowships. They drew many good men from active work without drawing them to literature or education, and thus led to the utter waste and wreck of not a few lives which might otherwise have run in their natural course of usefulness and honour.

A strong and generous stand was made for the practice which had prevailed notably in one, and perhaps in one or two other colleges, of considering the relative pecuniary circumstances of candidates for fellowships after examination—a practice which the original draft of the Bill abolished. This might seem not unreasonable in the case of those fellowships which are held as mere exhibitions to professions, if they could be separated from those which are virtually College and University offices, and which justice to all the students and to the whole nation requires to be conferred by fitness alone. But this separation has not been made; and even if it were, it might still be questioned, first, whether any trustworthy criterion of comparative wealth could be found, without which favour would certainly rush in; and, secondly, whether the occasional turn of the scale in favour of the poorer man would make up to him for the diminution of honour, or to the public generally for the diminished effect of the fellowship as a prize in stimulating a higher kind of self-training than can be demanded in the Schools. It does not seem clear even that a system could be administered under which a man whose father was pretty well off would travel about from college to college till he had beaten his competitors more in the examination than they beat him in need. But, at all events, the practice contended for is quite new, and must be maintained on its own merits, without reference to the obsolete limitation to *pauperes et indigentes scholares* in the mediæval statutes. No ingenuity, no efforts of philology, will convince any one familiar with University history and College documents that these *pauperes et indigentes* were anything but men, or rather boys, absolutely

in need of alms—very limited alms they were, and doled out under very hard conditions—to help them through the scholastic course which they were commencing; or that anything analogous to them can be found among the present candidates for fellowships, able as they are to maintain themselves after having completed the highest and most expensive education. It would not be difficult to show that some of those who believe themselves the lineal representatives of the *pauperes et indigentes*, are the victims of a generous delusion; and as to the notion of a broad social distinction between middle class and upper class candidates for fellowships, it is, in plain language, mere romance. Fellowships under the open system are seldom, if ever, won by really rich men; rich men will seldom work hard enough to win them. They are almost always won by men to whom they are very useful, if not absolutely necessary, as a means of taking a literary or liberal line in life. Those which are held by College tutors go, almost to their full amount, to cheapen University education to all the students; and those which are held by literary men go to cheapen literature to the nation. The eleemosynary character of the foundations is thus indirectly preserved in a great degree. The largely increased number and value of the open scholarships and exhibitions will give many more chances to poor men of talent; and to a poor man without talent it seems a very questionable benefit to be made artificially sensitive and ambitious by a University education. The sober and sagacious Adam Smith reckons that nine-tenths of every man's happiness spring from the consciousness that he is beloved. You ought to be pretty sure of giving him the remaining tenth before you risk the nine-tenths by taking him out of his sphere. Some seem to regret the begging students of the middle ages; but they must remember the celibate clergy and monasteries in which the begging students of that period were so easily absorbed. The whole of English life is changed; and if we are now too open to the charge of worshipping wealth, let it be borne in mind that the age which worshipped mendicancy ground honest labour to the dust. The founder in whose statutes these clauses are strongest was a leading member of the Parliament which compelled Richard II. to restore the serfs to their feudal lords. To crusade against the 'aristocracy of wealth' in a commercial country would be to crusade against successful industry; and it would be an eccentric way of carrying on such a crusade to punish in his academical career the son of any man who had honestly thriven in his calling. It is a more feasible enterprise to put the College tutorships in the hands of men who will teach wealth

its duties towards the really poor. The great and increasing evil of poverty among the clergy would not be lessened, but aggravated, by giving a preference in the fellowship elections to the sons of poor clergymen; twenty would be induced to incur the expense of sending their sons to the University, for one who would obtain the prize.

The general opening of the scholarships, and the increase of their value, ought to draw to the University the very flower of the country. It seems doubtful whether a stricter limit of age ought not to have been imposed. If undergraduates are to be cruising round all the colleges for scholarships during their first two years, the colleges will be in a perpetual state of flux. Perhaps, however, it will rest in the discretion of the several colleges whether they will allow their undergraduates to be candidates for scholarships at other colleges.

Half the fellowships of Jesus, and all the scholarships and exhibitions, have been left close to Wales,—a country where education is backward, and the Church has been greatly impoverished by the alienation of tithes. The theory that Welshmen alone can teach Welshmen, is strongly urged on one side; but, on the other, regarded as a national illusion. At New College, half the fellowships and all the scholarships have been left close to Wykhamists. The scholarships were, in fact, saved by Mr. Roundell Palmer's clause. In the parallel case of King's College, Cambridge, a larger removal of the restrictions appears to be contemplated; but when the Oxford Act was passed, general opinion, perhaps, hardly went beyond the infusion of an open element into these close foundations. It can scarcely be denied that the peculiar system of education and discipline which these twin foundations were intended to preserve has long ceased to exist—that scholarships and exhibitions lose half their value to a school if they can only be held at a particular College—or that it is fatal to a College, as a general place of public education, to have its fellows and scholars taken wholly or mainly from a particular school. The exclusiveness of these societies now deprives their members of half the benefits of the University. When all the seventy fellows were resident, New College was a large and varied society in itself. The feeling of Wykhamists and Etonians for their school does not depend on the connexion of the foundations with New College and King's College. Mr. Roundell Palmer himself is a strong instance of the contrary. Some fancied that the iron impartiality of the late Speaker of the House of Commons, who was at Winchester, but not at New College, bent a little in favour of young Wykhamists — surely this is Wykhamism enough for reasonable

men. The best endowments for a school are exhibitions tenable at any College of either University, or elsewhere. The amount of forcing power lost by making a College part of a school endowment is immense; and valuable as old associations may be, some terms must be kept with utility—it will not do to have all ivy and no wall. The founders of these institutions were thorough utilitarians. They made every penny go as far as possible for the objects of learning and education. This, however, is a subject which is settled for the present in accordance, probably, with general conviction, and on which opinion and experience must be left to work.

The removal of the obligation to take holy orders on at least a third of the fellowships in every College, is a mere accommodation of the system to the great change which has taken place in the relation of the clergy to literature and science. Entire devotion to lay studies, such as the purposes of a University require, is scarcely consistent with the ordination vows of the ministers of the Church of England. On the other hand, there can be little doubt that though in the colonies education has become a distinct lay profession, the upper classes in this country still desire a preponderance of the clerical element among the educators of their sons. This preponderance will be secured in colleges (except in times of great theological disturbance and perplexity) by the spirit of the place, the College livings, and, still more, by the limitation to clergymen of every headship but one, and of almost every professorship for the chance of which a man of ability would remain at Oxford. There seems no reason to believe that the few lay tutors will be elements of religious disturbance, though they may be unwilling to co-operate in any movement for the extension of ecclesiastical influence. Educated laymen are generally considered to be too indifferent to religious questions, and too acquiescent in that which they find accepted by society and established by the State. The movements and books which have alarmed the public have proceeded almost exclusively from clerical fellows; and perhaps an Establishment can contain no more explosive element than men on whose minds theological questions are always pressing, but who are cut off from active clerical duties. The modes by which a certain proportion of clergymen have been statutably secured in every College but All Souls, hover between the evil of narrowing the competition for a fellowship by restricting it to clergymen at the time of the election, and the evil of calling upon a man at a certain standing to choose between the loss of his income and entrance into a spiritual calling for which he may have no inclination. Free-will and necessity

are radically incompatible, and it is hopeless to frame restrictions which shall never conflict with choice.

All schemes for imposing on fellows definite duties other than residence, have hitherto failed. The variety of literary, scientific, and liberal callings defied any accuracy of description; nor, if they could have been described, could these occupations have been enforced. The practical question (which the Commissioners have left it to the colleges to solve) now is, whether men shall be allowed to hold their fellowships perpetually as non-residents. If they are, not only shall we still lie under the reproach of a sinecurism the political peril of which is out of all proportion to its amount, but there will be a considerable danger of the Colleges running short of tutors; for the able men who will be elected to open fellowships will generally choose to go off to the greater prizes of life. The succession, too, which it is necessary to keep up, so as to give a sufficient number of prizes, will become much slower from the increased number of laymen, who will not go off on College livings. A seven or eight years' fellowship seems quite enough for a prize; and the choice between holding the fellowship perpetually as a resident, or terminably with leave of non-residence, might be placed a year or two after election, so that at the time of election the fellowship should be potentially perpetual. It has been said that a perpetual fellowship is a comfortable thing to fall back on; but it has been also said that it is apt to make men fall back. The question must, at all events, be settled in the interest of the institutions, with a view to secure a sufficient number of residents for the purpose of education, and a sufficiently rapid succession, and to preserve the University from the dangerous taint of sinecurism. It must also be clearly borne in mind, that the non-resident fellowship held by a man in a profession is really an entirely different thing from the fellowships held by those who form the literary and educational staff of a College, though the two happen to be legally mixed up together, and have sprung from the same root. If a distinct class of non-resident fellowships is created, there can be no good reason why their holders should be forbidden to marry. The restriction has been abolished in the case of the Stowell fellowship, in exercise of a power of amending the statutes reserved to the College. Great fear has been expressed on the subject of imprudent marriages on terminable fellowships; but surely educated men may be expected to know a term from a perpetuity, and act upon their knowledge. To keep the present system of perpetual non-resident fellowships, with a power of calling any non-resident back from his path in life

to reside in College, if a tutor or a bursar is wanted, has been proposed, and, indeed, the plan has found its way into College statutes; but few can doubt that such a power must be either mischievous or null. Let the system be based on the realities of the case, whatever it is to be.

By the alterations in the constitution of colleges, the same freedom has been given to those corporations which is thought necessary to the energy and efficiency of the other corporations of the country. In the case of the larger colleges, the Head is allowed to retain a double vote—a doubtful advantage, since it is obvious that his influence must henceforth really depend on his personal character and abilities, his superior social position, and his knowledge of the affairs of the College. The last-named qualification will always assure to him a great ascendancy in the administration of the property. There was, no doubt, some force in the plea, that as all the fellows must be unmarried, most of them will always be young, and many of them will be non-resident, and that there is therefore danger of rash legislation, especially in regard to the educational interests of the College. So strange a rule as that of Protestant celibacy is sure to produce strange results at every turn. But the choice lay between the certainty of obstruction and the possibility of precipitation; and the good sense and right feeling of College conclaves towards the interests with which they are charged, must justify the liberal selection that has been made.

The fellows, whom in barbarous times it was the hard task of the Head to govern, having partly gone out of residence and partly become governors themselves, and the preservation and administration of the College estates having ceased to be the difficult business it was amidst the lawlessness of the middle ages, the headships had become nearly sinecures. No definite obligations have yet been laid upon them, beyond that of residence in college for the greater part of the year; and it is left to spontaneous zeal to supply the place of enforced duty. The headships are, with the exception of the canonries of Christchurch, the only very valuable offices in Oxford, and the only ones which have residences attached to them, and are, therefore, thoroughly identified with the place. Their relapse into sinecures would be doubly baneful,—both in itself, and because such sinecurism would in this, as in all other cases, be accompanied by an undue depression and starvation of the working staff. The tithes cannot be paid both to the impropriator and the vicar. There can be little doubt that but for the absorption of the revenues, the power, and the honour in the sinecure headships, under the old system, we should long

ago have had the most famous and efficient set of teachers that the wealth and greatness of Oxford could command. Indeed, in institutions which have been once brought under the rule of public duty, such a separation between the work and wages could not long exist; and safety as well as honour requires that the appointments which are best paid shall be felt to be the most useful. The opening of the headships to members of other colleges, even if it should seldom take effect, at least enforces the principle that these, the great offices of the University, are to be regarded by the electors, not as patronage, but as a trust. There has been a fatal tendency in these elections to disregard the educational interests of the College, and choose a 'man of business' for the sake of the finances; but the truth is, that there is no 'business' but what any man with practical sense enough to be at the head of a place of education can very easily undertake with the help of agents, solicitors, and bursars. Still more baseless seems the notion that any particular college has peculiarities of constitution which an able man taken from another college could not master in six weeks.

It may be taken as settled that the instruction is henceforth to be carried on by a combination of the tutorial and professorial systems. These systems, however, must be blended in very different proportions in regard to different subjects of instruction. Public lecturing is almost useless in subjects like philology, mathematics, history, and jurisprudence, which must be learnt mainly from books, with the help of individual catechizing and superintendence. In the case of subjects admitting of rhetorical treatment, indeed, it is apt to become worse than useless, and to degenerate into an indulgence, on the part of the professor, of the most emasculate of all ambition, at the expense of the good sense and mental independence of an impressible audience. On the other hand, the College tutors can do little for physical science, which requires the experimental and demonstrating apparatus of a public lecture-room. The tutoriate will also be generally feeble in lay subjects, because the rule of celibacy will continue to drive from College all but clerical fellows looking forward to College livings. The weakness of one element must be supplied by a corresponding strength in the other. There must be an end of all rivalries and divisions between the different 'orders' of the educational staff. Heads, tutors, and professors must work together in their common duty. The professors must be practical teachers, and the portion of the instruction which it may be thought right they should undertake, must be fairly and without jealousy put into their hands; and colleges must

make more resolute efforts than they have hitherto made to provide, either severally or in combination, the proper amount of ordinary tuition in the different subjects of the University course. The plan of combinations between colleges for the purpose of tuition may be resorted to, as, indeed, might free-trade in tuition, without weakening the invaluable relation between tutor and pupil, as academical guardian and ward; that relation would be rather strengthened by the tutor's ceasing to be a schoolmaster of men.

When a system has been settled by such authority, all its members are bound in duty and honour to endeavour to work it to the best of their power. But it is obvious that this combination of heads without defined duties, a houseless and half-alien professoriate, and tutors who must give up their calling when they marry, is such as no human being would have devised if it had not come into our hands through historical accidents of the most capricious kind. Perhaps not many years will have passed before people will perceive that every sort of shift has been resorted to, and every sort of detriment to the real interests of learning and education put up with, out of respect for the lingering phantom of College monkery which stands between us and the application of these unequalled endowments to the real uses of the present time. The most striking instance of this superstition is the reconstruction of All Souls. In that case the preference has virtually been given to an empty college, with this sacred illusion of celibacy, over one of the greatest schools of political science in the world; for such the College might have been if the fellowships had been consolidated, the prohibition to marry removed, and the fellows required to reside and teach the subjects to which the College is nominally devoted. And this projected institute of history, jurisprudence, and political economy will probably, in fact, consist of a presiding country clergyman (for the head must still be in holy orders); one or two junior fellows, perhaps reading for ordination; and two appended professors, who, if married, will be scrupulously excluded from dwelling within the precincts dedicated to the memory of a mediæval rule. This is not the result of any particular decision of the Commission, or of any other body or person. It is the result of general timidity, embodied in the Act of Parliament, which suggested small appropriations to the excrescence of the professoriate, instead of the vigorous utilization of the main fund. All the minor difficulties about constitution, residence, and duties of fellows, spring from this central weakness of treating the fellowships essentially not as what they are or ought to be now, but as what they were in the middle ages. But it does

not follow, because the most important step may not have been taken, that no advance has been made; nor can those to whom the question was new be blamed for not having moved faster, more especially as a recent revival of something like monasticism among the clerical fellows had somewhat veiled the effeteness of the system, and as the other view of the subject was presented, in the first instance, with too much reference to sentiment and individual interest, and too little reference to the interests of the institution. We may comfort ourselves with the reflection that the College finances are probably more liberally administered by men who have no wives and families, than they would be by men who had. Some also think that young tutors are desirable, as having more power of sympathy with young pupils; but the observation seems just, that this is more a matter of temperament than of age. Opinion has advanced since the passing of the Oxford Act. The Cambridge Commission are grappling with the question of the marriage of fellows; and it is to be hoped they may succeed, in the case of one or two colleges at least, in introducing a reasonable solution.

The appointment, qualifications, and payment of the public examiners are another subject which has been taken up, but has not yet been effectually dealt with. These offices—the most important in the University, and, indeed, in the whole educational system of the country—are at present starved, as all parts of the working staff of a place full of rich sinecure endowments are apt to be. The consequence is, that no man can afford to take them without holding a College or private tutorship at the same time; and thus they are liable to be deficient not only in authority, but in the essential requisite of perfect independence.

If the professors are to be actively engaged in practical teaching, they cannot be expected also to produce the fruits of learned leisure and meditation. The heads and the resident fellows who are not tutors must support the credit of the University as a place of learning. Power has been given to the colleges, by the ordinances of the Commission, to bestow fellowships without examination, and notwithstanding the ordinary disqualifications, on eminent literary and scientific men—though the privilege has unluckily been limited to those who have taken *honorary*, to the exclusion of those who have taken *regular* degrees, so that Oxford men cannot share the benefit. Perhaps these pensions (such in effect they will be) will be practically more useful than the collection of a great galaxy of literary and scientific eminence at Oxford itself: common humanity is the happiest dwelling-place of genius.

It is easy to see that the most important functions of the universities in the present day are those of liberal education: the functions of learning and speculation which were concentrated at Oxford and Cambridge in the middle ages are now spread over the whole educated world, and discharged through the medium of the press.

Many desired a large extension of the University outside the colleges. Their desire was cautiously met by the clause in the Act permitting masters to open private halls. But these private halls have so far come to nothing, and probably will come to nothing unless one or two should be established as hothouses for exclusive religionists, or very sickly and precious heirs. As concessions to Nonconformists generally, they are nothing. College life is the real life of Oxford; and if a student is excluded from it, he had better be elsewhere. It seems absurd to go back to the days of Chaucer's scholars, and to expect that swarms of English youth, of the middle and lower classes, will leave respectable and remunerative callings and come up to Oxford to live an uncomfortable and questionable sort of life in lodgings, merely for the sake of attending a few professors' lectures, when by the help of books, newspapers, and the public lectures which are now abundant everywhere, they may enjoy almost as much intellectual pleasure and instruction in their own homes. We shall draw from a wider area both of population and of intellect, now that the tests on the lower degrees are abolished, and the system of studies enlarged; but the difficulty of affording the time as well as the money will probably always confine within narrow limits the number of candidates for a long liberal education.

A measure of University extension of another kind has indeed been carried out, on a scale and with a rapidity a little alarming to many minds. It appeared to some eminent persons that the commercial schools were not in a satisfactory state, and that, pending a radical measure of improvement, they might be usefully stimulated by examinations conducted under the auspices of institutions possessing the authority and *prestige* of the old universities. The amount of extraneous work to be imposed on the universities, and the extent of machinery required, do not seem to have been calculated—perhaps because the measure was only intended as a temporary affair. Suddenly, however, we have a new statute, instituting an unlimited 'clientela' of unmatriculated persons, without defined legal incidents or any power of control, and binding the University in effect to examine all the schoolboys of upper and middle class schools in their school-books, and to confer a University degree on the highest forms, and a general certificate on those

under the highest. It is impossible even for the most cordial lover of genuine popularity, and the most cordial admirer of dashing statesmanship, not to wish that this measure had been more generally and thoroughly discussed. But it cannot be recalled now, though it may be merged in a broad scheme for the real improvement of middle-class education, and for connecting the middle schools with the upper, and bringing both classes under University influence.

The reduction of College expenses was also a great, perhaps with the public generally the greatest, object. The regular expenses of a commoner's College education are about sixteen pounds a-year for tuition, less the difference between the rent of College rooms and that of equally good lodgings. The rents of rooms have not been raised anything like in proportion to the rise of house-rent; and the tuition fees have not been much raised since the time when the duty of the tutor was not regular lecturing, but merely general superintendence. Besides these regular expenses, however, there is that of private tuition, for which men probably pay on an average about forty or fifty pounds during their University course. This charge will fall, and probably is now falling, with the improvement of College and professorial tuition. It might be reduced still lower, if more freedom in the choice of the lectures they are to attend were allowed to undergraduates preparing for their examinations. But the great expenses of the University are those of personal luxury and extravagance, which, while the society from which the undergraduates come is luxurious and extravagant, increased incentives to study will abate, but nothing short of monastic restraints and inquisitorial supervision can ever subdue. The evil, however, is no doubt one to be steadily contended against; and the government of the University ought resolutely to put forth its power against habits which bring embarrassment and misery on the undergraduates and their families. The order of gentlemen commoners, with its obsolete distinctions and expenses, is being done away with; but differences between the social habits of rich men and poor men must remain, and the rich men will probably continue, to some extent, to congregate in certain colleges by themselves.

All the evidence goes to show that Oxford students, like English gentlemen generally, stand high in morals, manners, and sensible submission to the law. The system seems a good one which gives the proctors a dignified place, and limits their term of office, so as not to degrade them into regular policemen. The anomalies of the cycle have been altered; and if the colleges are to retain their rotatory nomination (which

seems to be thought, on the whole, the best plan), it must rest with them to exclude, even at the expense of a little heart-burning, men who are disqualified by long non-residence, or by palpable defects of any other kind.

The nominal relation of the colleges to each other and the University has undergone no change; but the contributions which have been made by some of them to University purposes are probably the commencement of a more intimate co-operation and a more liberal combination of resources for the general purposes of the great national institution which these (once private) corporations have, through no fault or usurpation on their part, but by the natural course of circumstances, practically absorbed.

Nothing has been done to infringe the great English principle that education is to be kept separate from politics, and clear of the action of political parties; on the contrary, the University has been to a great extent emancipated from the political connexion of which she had with too much justice been regarded by the nation as the slave. But the public character of the University and all the colleges, with their privileges, powers, and endowments, has been implicitly affirmed, and all its members and administrators have been brought under the rule of public duty. No academical patriot can ever again plead the incidents of our mediæval tenures as giving a great place of national education a title to remain inefficient, provided it does not become a nuisance. The requirement of decennial reports to the visitors, on the revenues of each College, and their application, seems a clear notification, from a most friendly quarter, of the conditions under which those revenues must henceforth be practically held. The full power of inspection and *proprio motu* visitation given to visitors point in the same direction. Those who are persuaded that a tenure by national usefulness is a base tenure, will certainly not find the administration of Oxford henceforth a work of honour.

It must not be forgotten that all the statutes made by colleges under the Act are subject to amendment with the consent of the visitor, and all the ordinances of the Commission with the consent of the Crown in Council. It seems very desirable that a good Committee of the Privy Council should be formed for exercising this power, to which resort will, no doubt, be frequently had as our experience of the ordinances advances and our views enlarge. No reform completed in the midst of controversy can be supposed to be so perfect as to preclude the necessity of further improvement from time to time. The power of constant self-modification and self-

adaptation to emergent necessities is the life of institutions; and no man will hesitate to take reasonable advantage of it who does not rate the majesty of human institutions much more highly than it deserves. The Privy Council seems an excellent body wherewith to be connected, since it is a representative of the State without political party. It would be a very good thing if the judicial powers and powers of interpretation, so anomalously and unsatisfactorily vested in a number of episcopal visitors, could be consolidated in the hands of the same committee, or some other legal tribunal.

We have now to set to work with unfettered hands and increased resources to carry out the improved system of education embodied in the new Examination Statute—the system which is to give the University new life, by bringing her once more into direct connexion with the practical requirements and interests of the age.

G. S.

THE END.

LONDON:
SAVILL AND EDWARDS, PRINTERS, CHANDOS STREET,
COVENT GARDEN.

DATE DUE

DOMINICAN COLLEGE LIBRARY
AC5 .O93 v.4
/Oxford essays
3 3645 00074989 8

1858

25908

DOMINICAN COLLEGE
LIBRARY
SAN RAFAEL

AS122 .093 1855
vol.4
Oxford essays

908

Dominican College Library
San Rafael, California